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## Article

### The Word and the Problem of Human Unconsciousness: An Analysis of Charles R. Lawrence's Meditation on Racism, Oppression, and Empowerment

REGINALD LEAMON ROBINSON

*Charles R. Lawrence's Word, a form of liberation theology, gives its practitioners an intrinsic tool for empowering and liberating those who have been silenced and marginalized by the dominant legal narrative and by racism and sexism. As victims, oppression is external to, independent of, and happening to minorities and women. Yet, relying on Abraham's teachings of the Law of Attraction (and other esoteric materials), a universal principle that governs us all, this author argues that the Word cannot empower or liberate us because racism, sexism, and oppression are co-created experiences that are dependent on human unconsciousness, which means that we identify with our egoistic minds, or our small self. We are all-powerful reality co-creators, and we are implicated in the problem of extant racism. To test this hypothesis, he applies the Word to the case of the Jena Six and argues that the Word does not alter issues faced by the Jena Six and their stakeholders and it doesn't prevent future arising of racialized events because the Word focuses not on all stakeholders but on whites and white racism. So-called victims are never required to understand that they are co-creators of their personal experiences and social realities like racism. To redress these issues, the author, relying on Eckhart Tolle's The Power of Now, argues that we, all of us, must live in the now by surrendering our egoistic minds, the very source of fear, pain, or suffering—racism. Surrender places us at the center of our co-created experiences, and it allows us to reclaim our voices, true identity, and power. Without surrender, we will co-create continued suffering.*

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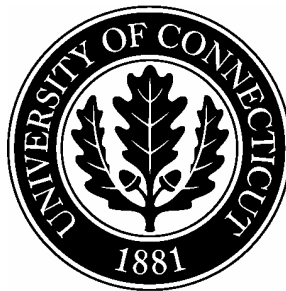
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The Word and the Problem of Human  
Unconsciousness:  
An Analysis of Charles R. Lawrence's Meditation on  
Racism, Oppression, and Empowerment

REGINALD LEAMON ROBINSON\*

*The child blames the external and focuses his energies there;  
The warrior conquers the realms within and becomes gifted.*  
St. Teresa of Avila<sup>1</sup>

I. INTRODUCTION

Based on Vincent Harding's *The Word and the River*, the Word is an anti-subordination meditation. It is a tool for thinking about racism, sexism, and oppression and for reclaiming ordinary people's<sup>2</sup> voice and subjectivity. For Charles Lawrence, dominant discourse silences and objectifies ordinary people who never have access to the institutional dialogues, where whites speak of them but never to them.<sup>3</sup> In meaningful ways, they don't participate in power sharing. Normal, visible, and empowered, whites have constructed a legal doctrine that rejects the existential accounts of minorities and women. For Lawrence, the Word alters and deconstructs this doctrine. It helps "free us from our sense of

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<sup>1</sup> St. Teresa of Avila, *The Servant of Unity*, reprinted in LOVE POEMS FROM GOD: TWELVE SACRED VOICES FROM THE EAST AND WEST 268, 286 (Daniel Ladinsky trans., 2002).

<sup>2</sup> Reginald Leamon Robinson, *Human Agency, Negated Subjectivity, and White Structural Oppression: An Analysis of Critical Race Practice/Praxis*, 53 AM. U. L. REV. 1361, 1363 n.9 (2004) (defining ordinary people as "non-elite Asians, blacks, American Indians, Latinos, whites, and women, including immigrants").

<sup>3</sup> See, e.g., Harlon Dalton, *The Clouded Prism: Minority Critique of the Critical Legal Studies Movement*, 22 HARV. C.R.-C.L. L. REV. 435, 442 (1987) (quoting John Powell, Legal Director, American Civil Liberties Union).

powerlessness and frustration in the face of debilitating doctrine and ideology.”<sup>4</sup> “[I]n the face of” implies that this doctrine and ideology happen to ordinary people. It’s an external, objective force that denies them their humanity. In the end, Lawrence uses the Word to meditate on the empowerment of minorities and women who are injured or killed by white racism, whether it’s actual or symbolic.

The Word thus represents a new, conceptual model that could end racism and promote empowerment if it focused on cause *and* effect.<sup>5</sup> By cause, I mean that our inner, emotional thoughts form “core beliefs”<sup>6</sup> by which we co-create<sup>7</sup> the world in which we live.<sup>8</sup> By core beliefs, I mean powerful emotional thoughts that limit our perception of the physical world to events that reinforce them.<sup>9</sup> By co-create, I mean we use core beliefs, consciously or otherwise, to attract experiences<sup>10</sup> and to construct realities.<sup>11</sup> By effect, I mean the love, hate, joy, suffering, pain, etc., that flow inexorably from our core beliefs; hence, we are the direct and proximate cause of personal suffering and social evils. By requiring its practitioners to identify with the so-called oppressed, Lawrence clearly believes that, even without redressing these core beliefs, eradicating their life situations will empower minorities and women. Under the *Law of Attraction*,<sup>12</sup> he’s clearly mistaken. As such, Lawrence’s meditation turns on the idea that the oppressed are not powerful reality co-creators but

<sup>4</sup> Charles R. Lawrence III, *The Word and the River: Pedagogy as Scholarship as Struggle*, 65 S. CAL. L. REV. 2231, 2243 (1992).

<sup>5</sup> See generally ECKHART TOLLE, *THE POWER OF NOW: A GUIDE TO SPIRITUAL ENLIGHTENMENT* (1999).

<sup>6</sup> JANE ROBERTS, *THE NATURE OF PERSONAL REALITY—A SETH BOOK* (1992).

<sup>7</sup> *A COURSE IN MIRACLES* 27 (2006). See also ESTHER HICKS & JERRY HICKS, *THE LAW OF ATTRACTION* (2006) [hereinafter HICKS & HICKS, *THE LAW OF ATTRACTION*]; JERRY & ESTHER HICKS, *ABRAHAM SPEAKS – BOOK I* (1999) [hereinafter HICKS, *ABRAHAM SPEAKS I*].

<sup>8</sup> See LEE CARROLL, KRYON—*ALCHEMY OF THE HUMAN SPIRIT: A GUIDE TO HUMAN TRANSITION INTO THE NEW AGE* 76 (1995) (“For to co-create means that you and Spirit and those around you create your own reality.”); BARBARA MARCINIAK, *BRINGERS OF THE DAWN: TEACHINGS FROM THE PLEIADIANS* 10 (1992) (“[T]hought creates. No matter what situation you find yourself in, it is the power of your thoughts that got you there.”); NORMAN FRIEDMAN, *BRIDGING SCIENCE AND SPIRIT: COMMON ELEMENTS IN DAVID BOHM’S PHYSICS, THE PERENNIAL PHILOSOPHY AND SETH* 129 (1997) (According to David Bohm, “mind and matter are inseparable, in the sense that everything is permeated with meaning. . . . Even the electron is informed with a certain level of mind.”).

<sup>9</sup> ROBERTS, *supra* note 6, at 46 (“It is the core belief which is strong enough to so focus your perception that you perceive from the physical world only those events that correlate with it.”). Core beliefs can also be personal: “My life is worthless. What I do is meaningless.” *Id.*

<sup>10</sup> *Id.* at xvi (“Experience is the product of the mind, the spirit, conscious thoughts and feelings, and unconscious thoughts and feelings. These together form the reality that you know.”).

<sup>11</sup> See generally HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7.

<sup>12</sup> See generally *id.* at 24 (“The first *Law*, the *Law of Attraction*, says: *That which is like unto itself, is drawn*. While this may seem like a rather simple statement, it defines the most powerful *Law* in the Universe—a *Law* that affects all things at all times. Nothing exists that is unaffected by this powerful *Law*.”).

silenced, innocent victims.<sup>13</sup> By ignoring the so-called oppressed as powerful reality co-creators, progressive legal scholars cannot enable them to be self-aware and self-reflective. If not, the Word cannot eradicate racism, sexism, and oppression because ordinary people are not prepared to be warriors of their inner realm, and because they believe that if they abandon their externally derived sense of self, they'll disrespect the legacy of black suffering and they'll release whites from appropriate levels of personal guilt and collective responsibility.<sup>14</sup> By not looking within, progressive legal scholars cannot use this meditative tool to empower anyone including themselves. In short, the Word cannot engage in an effective anti-subordination struggle.

The Word keeps us children, looking outward, blaming others. The Word could help us to become warriors if it directs our attention not externally but internally.<sup>15</sup> An internal focus requires us to examine how we co-create in the world. Accordingly, thoughts are real things;<sup>16</sup> they affect things, people, and events.<sup>17</sup> When we co-create from an “ego-centered mind,”<sup>18</sup> we believe in race, racial identity, and race consciousness; and by embracing them, including a victim's

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<sup>13</sup> Even if Lawrence is hypothetically correct, he is simply arguing that ordinary people are co-creating by default when they identify with the core belief of others like their parents, preachers, friends, whites, etc. Through identification, they will believe what others tell them. Long after the context for such beliefs has changed, and long after the others have altered their beliefs, they will continue to repeat them in thought, deed, feelings, and words. In this way, ordinary people, especially children, learn to displace their reliance on their *Inner Being* and adopt egoistic concepts. To a large degree, ordinary people are electing to repress their *Higher* natures, and by this election, they are impliedly already empowered human agents who can, through their intentions, actively or passively co-create social realities, too.

<sup>14</sup> See TOLLE, *supra* note 5, at 189 (“Once you have identified with some form of negativity, you do not want to let go, and on a deeply unconscious level, you do not want positive change. It would threaten your identity as a depressed, angry, or done-hard-by person. You will then ignore, deny or sabotage the positive in your life. This is a common phenomenon. It is also insane.”).

<sup>15</sup> See ROBERTS, *supra* note 6, at xvi (“You are hardly at the mercy of a reality, therefore, that exists apart from yourself, or is thrust upon you. You are so intimately connected with the physical events composing your life experience that often you cannot distinguish between the seemingly material occurrences and the thoughts, expectations and desires that gave them birth.”).

<sup>16</sup> See *generally* PRENTICE MULFORD, *THOUGHTS ARE THINGS* (Wilder Publications 2008) (1889).

<sup>17</sup> See *generally* WILLIAM TILLER ET AL., *CONSCIOUS ACTS OF CREATION* (2001); WILLIAM A. TILLER, *SCIENCE AND HUMAN TRANSFORMATION* (1997); EVAN HARRIS WALKER, *THE PHYSICS OF CONSCIOUSNESS* (2000); BARBARA MARCINIAK, *PATH OF EMPOWERMENT* (2004).

<sup>18</sup> See TOLLE, *supra* note 5 at 21; MULFORD, *supra* note 16, at 1 (“The lower self says we can only live and exist as men and women have lived and existed before us. . . . The lower self says that we are born to [limitations], born to ill, born to suffer, and must suffer as have so many before us. . . . The lower self says we must accept a standard made for us by others—by general and long-held opinion, belief, and prejudice.”). For a powerful example of the impact of egoistic minds, see LEON F. LITWACK, *TROUBLE IN MIND: BLACK SOUTHERNERS IN THE AGE OF JIM CROW* xv–xvi (1998) (“This is no easy history to assimilate. . . . It is the story of a people stamped as inferior, based on the idea of race, yet fully expected to provide the basic labor for the South even as they complied with the perverse etiquette of Jim Crow.”).

consciousness, Race Critics “see” only the limits of their false, lower self.<sup>19</sup> Whites do the same. Race Critics have no sense that, like whites, minorities and women are co-creating their experiences and realities.<sup>20</sup> And while Lawrence acknowledges the impact of the co-creation principle,<sup>21</sup> he still invites minorities and women to struggle, to resist, external events without linking the events to internalized core beliefs. They’ll thus struggle against themselves.<sup>22</sup> Yet, a warrior knows that she co-creates against herself; she tames her thoughts and eventually embraces the philosopher’s stone. Thus for unknown reasons, Lawrence refuses to filter the Word through the co-creation principle, in which the observer and observed are one,<sup>23</sup> and as a result, the Word has limits. In translating the Word and in revealing its limitations, I’m a “traitor.”<sup>24</sup>

The Word is a powerful adjunct of Critical Race Theory (CRT). In the past, I’ve translated CRT<sup>25</sup> and exposed its limited liberal agenda of racialized power sharing. As a Legal Ontologist,<sup>26</sup> I reject any framework

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<sup>19</sup> See TOLLE, *supra* note 5, at 18 (“[Y]ou are identified with [thinking], which means that you derive your sense of self from the content and activity of your mind. . . . As you grow up, you form a mental image of who you are, based on your personal and cultural conditioning. . . . The term ego means different things to different people, but when I use it here it means a false self, created by unconscious identification with the mind.”).

<sup>20</sup> Cf. ROBERT E. ORNSTEIN, *THE PSYCHOLOGY OF CONSCIOUSNESS* 18–19 (1972) (“Each of us selects and constructs a personal world in several ways. Our sense organs gather information which the brain can modify and sort. This heavily filtered input is compared with memory, expectations, and body movements until, finally, our consciousness is constructed as a ‘best guess’ about reality.”).

<sup>21</sup> See Lawrence, *supra* note 4, at 2252 (“[The Word] recognizes the impossibility of distance and impartiality in the observation of a play in which the observers must also be actors.”). To this degree, Lawrence has adopted a Heisenbergian principle of quantum physics, in which he proved mathematically that “[t]he path of the electron comes into existence only when we observe it.” See AMIT GOSWAMI ET AL., *THE SELF-AWARE UNIVERSE: HOW CONSCIOUSNESS CREATES THE MATERIAL WORLD* 39 (1993).

<sup>22</sup> ROBERTS, *supra* note 6, at 11 (“You are what happens to you.”).

<sup>23</sup> FRIEDMAN, *supra* note 8, at 128 (“[T]hought does modify the strength of quantum wave functions. . . . I believe that the greater the awareness or consciousness of the observer, the greater the probability of the event occurring.”).

<sup>24</sup> Cf. Lawrence, *supra* note 4, at 2276 (“[W]e are translating the life experience of our brothers and sisters in the hope that broader awareness of that experience will produce new converts to the cause liberation. But translation is a treacherous business. Translation of the colonizer’s canon spreads its hegemonic message to ears and minds that it might not otherwise have reached.”).

<sup>25</sup> See generally Reginald Leamon Robinson, *The Sacred Way of Tibetan CRT Kung Fu: Can Race Critics Teach the Shadow’s Mystical Insight and Help Law Students “Know” White Structural Oppression in the Heart of the First-Year Curriculum? A Critical Rejoinder to Dorothy A. Brown*, 10 MICH. J. RACE & L. 355 (2005) [hereinafter Robinson, *The Sacred Way*]; Robinson, *supra* note 2; Reginald Leamon Robinson, *Race Consciousness: Can Thick, Legal Contextual Analysis Assist Poor, Low-Status Workers Overcome Discriminatory Hurdles in the Fast Food Industry? A Reply to Regina Austin*, 34 J. MARSHALL L. REV. 245 (2000).

<sup>26</sup> Lawrence shows us the import of a legal ontological inquiry:

Students also discovered how significantly the law shaped the way they thought about human problems, how using dominant legal discourse or “thinking like a lawyer” cause them to devalue or deem irrelevant certain observations, feelings, ideas, and ideals that seemed important to them when they self-consciously assumed

that embraces race, racial identity, and race consciousness. Race consciousness purports to give ordinary people a special insight on which they rely to name, claim, and reframe.<sup>27</sup> Yet, in so doing, the oppressed and the middle class will not have discarded the very mental and emotional pinions that have been the principal source through which they co-create, and thus attract, experiences on which Race Critics have focused their writings. Why? Because they're still simply focusing on external, objective forces like white racism to explain their day-to-day existence.<sup>28</sup> Yet, I know better.<sup>29</sup> Unless the so-called oppressed tame their ego-centered minds, the partial evidence of which is racial identity, the Word cannot help them overcome racism and know self-empowerment.

Second, by requiring its practitioners to identify with the oppressed and their "life situation,"<sup>30</sup> the Word is premised on the errant belief that minorities and women are victims. In this view, racism, sexism, and oppression happen to them, and they literally have no responsibility for their personal suffering. Yet unbeknownst to scholars like Lawrence, this identification adds conscious power to racism and sexism, making it even more powerful in the lives of ordinary people and of minority legal

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a nonlawyer's role. It also became apparent that more often than not these devalued aspects of their intelligence were those that they associate with their identities as members of oppressed or marginalized groups.

Lawrence, *supra* note 4, at 2246.

<sup>27</sup> See Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, in *CRITICAL RACE THEORY: THE CUTTING EDGE* 60–70 (Richard Delgado & Jean Stefancic eds., 2d. ed., 2000) (discussing how Critical Race Theory, especially through counternarratives, empowers people to name their own reality).

<sup>28</sup> See Kimberlé Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331, 1357 (1988) (arguing that not liberal consciousness but white racism explains the moment-to-moment dynamics of black life). To the extent that Race Critics generally agree with scholars like Professor Crenshaw, they like her are liberal neo-positivists, having constructed a set of rules that explains why empirically ordinary people suffer racism, sexism, etc., without accounting for the metaphysics principles like co-creating racist experiences through thoughts, beliefs, and emotions on which my thinking and writing depend. Unfortunately, they treat metaphysical musings as either progressive colorblindness or, far worst, as treacherous dissension, thus refusing to acknowledge, cite, or discuss them at all. See generally Gregorio Morales, *Overcoming the Limit Syndrome*, in *THE WORLD OF QUANTUM CULTURE* 1–34 (Manuel J. Caro & John W. Murphy eds., 2002); *id.* at 3 ("Brian Joseph, Nobel Prize winner in 1974, recognized . . . 'the possibility that one part of the universe may have an understanding of another part, or that two parts can come into contact under certain conditions independent of distance.'"). Does Joseph's principle play any role in the "Driving While Black" phenomenon, in which through nonlocal causation, ordinary people co-create an eventual meeting on a highway with agents of the State long before they've left their respective houses that day?

<sup>29</sup> It is through personal experience that I know that mass consciousness and internalized core beliefs co-create our experiences and realities. I discuss these experiences in my current project called "The Tao of Race." For a broader, scientific discussion on this subject, see *THE WORLD OF QUANTUM CULTURE* (Manuel J. Caro & John W. Murphy eds., 2002).

<sup>30</sup> TOLLE, *supra* note 5, at 51.

scholars.<sup>31</sup> To this degree, progressive legal scholars are like children, blaming external forces without accepting that they use their core beliefs to co-create their personal experiences and social realities. How then can the Word eliminate what its practitioners, through the identification requirement, continue to reinforce and co-create? How can the Word eliminate the source of its own existence—the egoistic mind? The Word thus needs victims, egoistic minds, and white racism. In translating the Word, I examine why the Word keeps minorities and women in self-denial by focusing their attention not on their core beliefs and on their co-creative powers, but on the concept that powerful external, objective doctrines keep them, against their will, invisible, silenced, dehumanized, and disempowered. While Lawrence sincerely proffers the Word as a meditative, liberation theological tool for the salvation of ordinary people, it is still nevertheless fatally flawed. In translating the Word, I'll be a "traitor" to the cause of Lawrence's meditative, liberation model and of ordinary people.

Part II of this essay analyzes Lawrence's Dream. I argue that Lawrence's interpretation reveals that the Word's psychological and existential base lacks efficacy.<sup>32</sup> Part III applies the Word to the Jena Six case, and I evaluate if the Word can empower minorities and women. Part IV argues that the Word is fatally flawed. Yet, I argue that the Word can overcome this flaw if it embraces spiritual principles, some of which are supplied by Eckhart Tolle's *The Power of Now*. Looking at the issues in the Jena Six case, Part IV also argues that our ego-centered minds co-create in a way that is consistent with the Word and inconsistent with real, spiritual empowerment. Part V concludes.

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<sup>31</sup> See *id.* at 12 ("Identification with your mind creates an opaque screen of concepts, labels, images, words, judgments, and definitions that blocks all true relationships. It comes between you and yourself, between you and your fellow man and woman, between you and your nature, between you and God.").

<sup>32</sup> By existential or existentialism, I adopt Rollo May's definition, one that overcomes the subject-object tension, through which an oppressor (i.e., subject) can exist as an experience outside of the oppressed (i.e., object), viz., minorities and women. See ROLLO MAY, *THE DISCOVERY OF BEING: WRITINGS IN EXISTENTIAL PSYCHOLOGY* 49 (1983) ("*Existentialism, in short, is the endeavor to understand man by cutting below the cleavage between subject and object which has bedeviled Western thought and science since shortly after the Renaissance. This cleavage Binswanger calls 'the cancer of psychology up to now.'*"). Rather, like Rollo May and other existential psychologists, this article posits that everything is interdependent (or interconnected), thus dispensing with subject-object as a set of distinct, separate, external experiences and realities. See generally RUSSELL TARG & J.J. HURTAK, *THE END OF SUFFERING: FEARLESS LIVING IN TROUBLED TIMES* 85–105 (2006) (arguing, among other things, that everything is interconnected, and that separation is an illusion).

## II. THE DREAM DIES ABORNING: ON THE LIMITS OF RACIALIZED IDENTIFICATION

*As above, so below.*

*As within, so without.*

The Emerald Tablet, circa 3000 BC<sup>33</sup>

Lawrence's Dream shows us how ordinary people can become subjects. It shows us how to speak with a subjectivity long denied by hegemonic power. It shows us how parallel text weakens and displaces dominant legal narratives. It models the dynamics of inner and outer awareness that suggest the Word's liberating power. In this way, the Dream displays its powerful tools, especially when they are in Lawrence's hands. Yet, the Dream also confesses its psychological and existential limits, ones that cannot take minorities and women to the Promised Land.

In the Prologue, Lawrence has a Dream.<sup>34</sup> Lawrence sits in a large, stark room, given only a sense of space by his table and chair and the table and chairs across the room at which two professors sit. "The man is white, balding, bearded."<sup>35</sup> He sits with a woman, a colleague whom Lawrence knows. Although she's uncomfortable and embarrassed, "The Man" waxes on about qualifications, impliedly discussing whether Lawrence, a visiting professor, ought to teach at an elite law school. She believes that Lawrence can overhear them, although each of them acts as if he's not present. Nevertheless, she defends him or rebuts "The Man's" arguments. He feigns listening, adopting a miming posture. Yet, Lawrence knows he's not listening to her. Rather, "The Man" is preparing a rejoinder. He has already concluded that Lawrence, albeit admired by his students, has made no "important and well-recognized scholarly contribution" to legal academe.<sup>36</sup> At this point, Lawrence, eager to defend himself against himself (after all, he co-creates the Dream sequences), joins the conversation, destroys his presumed invisibility, and adduces evidence that he'd done significant work in equal protection analysis, especially as it applies to race discrimination.<sup>37</sup> Moving from distant witness to his deeply repressed but now externalized fears, Lawrence now prefers to engage his darker, shadowy side more directly.<sup>38</sup>

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<sup>33</sup> RHONDA BYRNE, *THE SECRET* 73 (2006). Hermes, or Thoth, may have authored these universal principles, often the ken of secret societies throughout the ages, more than 10,000 years ago.

<sup>34</sup> Lawrence, *supra* note 4, at 2231–36.

<sup>35</sup> *Id.* at 2231.

<sup>36</sup> *Id.* at 2232.

<sup>37</sup> *Id.* at 2232–33.

<sup>38</sup> *See id.* at 2293 ("Much of what we experience as dreams is the expression of memory. Images, ideas, thoughts, and feelings, once experienced, are forced into unconsciousness because there is no

By engaging his darker, shadowy side, his Yang, a symbol of logic and western legal text, Lawrence introduces the Word, his ability to produce parallel text, his subjectivity, and his own story directly into the Dream. Through his story, he proclaims his freedom and humanity.<sup>39</sup> In so doing, he'll join positions taken by the woman, his Yin, someone whom he recognizes and needs to embrace.<sup>40</sup> She's symbolically his power to Dream,<sup>41</sup> to imagine,<sup>42</sup> and to intuit<sup>43</sup> in his life. In the Dream, "The Man" is the dominant, written text; she, usually silenced,<sup>44</sup> represents the parallel, oral text.<sup>45</sup> Using the Word, Lawrence inserts his repressed, perhaps feared, qualities into the Dream so that he can rewrite his own internalized dominant text and rediscover his own deepest wants, needs, and desires.<sup>46</sup> As such, Lawrence's Dream personifies the Word, a meditation out of which his important article flows.

Yet, the Dream reveals the Word's limits when Lawrence answers "The Man's" key question: "What is the significance of fear?"<sup>47</sup> As a Word practitioner, Lawrence opts, and perhaps he cannot do otherwise, to view this question as an opportunity to examine others—external, objective reality in a racist world. He thus presumes that his experiences of others differ from his core beliefs. Before he answers this question, Lawrence feels his fear, and he knows that he must journey within himself like a

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enough room in the conscious mind or because the experience or feeling is painful or upsetting and is thus repressed from consciousness.") (internal citations omitted).

<sup>39</sup> See *id.* at 2290 ("The ability to produce text, to stand in the position of subject and tell one's own story, is central to one's humanity and one's freedom. It is central to the Word.").

<sup>40</sup> See OSHO, TAO: ITS HISTORY AND TEACHINGS 12 (2005) ("First, the principle of yin—the principle of femininity—is like a ladder between hell and heaven. You can go to hell through it or you can go to heaven through it; the direction will differ but the ladder will be the same. Nothing happens without the woman. The energy of the woman is a ladder to the lowest and to the highest, to the darkest valley and to the lightest peak. This is one of the fundamental principles of Tao. . . . Once it is rooted in your heart, things will become very simple.").

<sup>41</sup> Lawrence, *supra* note 4, at 2292–97.

<sup>42</sup> *Id.* at 2285–91.

<sup>43</sup> See *id.* at 2295 ("By opening himself to dreamlike fantasy he is inspired by parts of his experience that have been repressed as illegitimate, unacceptable, or in conflict with the dominant view of reality."); *id.* at 2296 ("To say that an oppressed people has a special capacity for hope may seem paradoxical, but the slave knows intuitively that the system of slavery is vulnerable and that its destruction is inevitable.").

<sup>44</sup> See *id.* at 2285–91 (discussing the degree to which written, legal text marginalizes and silences minorities and women, making them objects without voices, authority and power because such text refuses to "valu[e] oral text").

<sup>45</sup> See *id.* at 2291 ("This understanding of the existence of and the need to validate a parallel text among those who are excluded and objectified by the dominant text is what separates the use of narrative by those who would practice the Word from its use by the mainstream of the Law and Literature movement.").

<sup>46</sup> *Id.* at 2285 (quoting Robin West, *Economic Man and Literary Woman: One Contrast*, 39 MERCER L. REV. 867, 870 (1986)).

<sup>47</sup> *Id.* at 2233.

warrior to discover his knowing.<sup>48</sup> Unfortunately, before he discovers this knowing, Lawrence reveals what I view as the Word's profound failure: he identifies with an egoistic mind category called "race."<sup>49</sup> Flummoxed by the question, overtaken by fear, he states: "I have failed my race."<sup>50</sup> He then moves seamlessly between the western text's objectivity and the parallel text's subjectivity, all of which are ego-centered constructs because a real object (e.g., a chair) can never think and speak (i.e., co-create).

Hence, the Word obscures the knowledge and truth of co-creation, a principle that he's actually acknowledged.<sup>51</sup> With knowledge and truth, we accept that we co-create in the world, so that we can learn and heal.<sup>52</sup> His answer belies this obscurity, for Lawrence, like most Race Critics, focuses not on the cause of so-called external, objective events but on oppressive effects. This approach implies that knowledge and truth lie specifically in the social problems and personal circumstances of minorities and women. As such, he chooses to overlook the centrality of core beliefs and co-creation. Yet, Prentice Mulford correctly states: "We need to be careful of what we think and talk. . . . Of what we think and talk we attract to us a like current of thought. This acts on mind or body for good or ill."<sup>53</sup> Mulford's words also suggest that our core beliefs impact others, too. In the end, we attract what we love, what we fear.<sup>54</sup>

"What is the significance of fear?" In answering "The Man's" question, Lawrence looks to slavery. It's about the relationship between the master and the slave, the oppressor and the oppressed. It's about the very origins of oppression. Although he looks at both perspectives, Lawrence begins with the slave's point of view. After all, he's identified with the oppressed. "[I]t is the fear that I know first hand—that I am experiencing at this moment."<sup>55</sup> Yet, he tells us that this answer flows from a place with which he's not familiar. Perhaps it's his Yin, perhaps

<sup>48</sup> See *id.* ("Because I am now in search of my own answer, I know it is there and that it is right. It just needs discovering.").

<sup>49</sup> See TOLLE, *supra* note 5, at 12 ("Identification with your mind, which causes thought to become compulsive. . . . It also creates a false mind-made self that casts a shadow of fear and suffering.").

<sup>50</sup> Lawrence, *supra* note 4, at 2233.

<sup>51</sup> See A COURSE IN MIRACLES, *supra* note 7, at 27 (discussing knowledge as differing from interpretation and perspective).

<sup>52</sup> See TOLLE, *supra* note 5, at 167 (discussing opportunities for awareness which promotes moments for healing and increased consciousness).

<sup>53</sup> MULFORD, *supra* note 16, at 18.

<sup>54</sup> See HICKS, ABRAHAM SPEAKS I, *supra* note 7, at 16 ("As you are giving thought to that which you are not wanting, and in the same moment experiencing fear or doubt or any negative emotion, in that moment you are in the perfect position—having negative thought and negative emotion—to create that very thing that you are not wanting. It is Law.").

<sup>55</sup> Lawrence, *supra* note 4, at 2233.

not. He is led by an internal inspiration, giving him perhaps the insight of a seer. Basically, it's a near-other worldly experience. By listening to his inner voice, the teacher and the taught exist in the same space-time.<sup>56</sup>

Regardless, Lawrence's analysis is deeply lodged in ego-centered constructs. First, the slave fears the master, for she understands not why the master violates her with punishment, and so she believes the master is "crazy, depraved, immoral."<sup>57</sup> The self-hating slave rationalizes the master's violence as warranted.<sup>58</sup> Second, "the slave fears rejection."<sup>59</sup> Is she inadequate, which denies her admission to the master's house where she'll be safe from lynch mob violence? To be rejected is to be emotionally violated. Far different from the first fear, if she's afraid now, it's because she's repeated to herself what the master and others have told her.<sup>60</sup> Third, understanding why she was previously afraid, the slave now knows that the master's own inferiority drives the oppressor's violence, making white supremacy an unspeakable sham. With this understanding, the master still violates the slave, especially if he realizes that she knows of the "master's ill-gotten status."<sup>61</sup>

Still flowing with his inner knowing, Lawrence now reveals the master's fear. First, the master fears that the lowly, ignorant slave will kill him. Couched in the myth of white supremacy, the master views this potential as "irrational animal violence."<sup>62</sup> Any violence must flow from slave's refusal to accept her proper caste. They thus must believe that they can be independent.<sup>63</sup> Second, the master fears that the slave will discover that he has no rational, meritorious claim to wield power over her. This discovery will lead to revolt. This fear unnerves the master, for a rational rebellion is perhaps far more likely than irrational violence.<sup>64</sup> Lastly, the master fears self-discovery; thus, he represses his own insecurity,

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<sup>56</sup> See OSHO, TAO: THE PATHLESS PATH 19–20 (2002) ("Lieh Tzu . . . [sat] silently, not doing anything, just learning to be silent, learning to be passive, learning to be receptive, learning to be feminine . . ."). Accordingly, a master doesn't teach anything to the student. It is the student who allows herself to learn by silencing her ego. Hence, Lawrence already possessed the knowledge, and in the presence of the master (i.e., his inner knowing), he became both teacher and taught in the same space-time.

<sup>57</sup> Lawrence, *supra* note 4, at 2234.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* See HICKS & HICKS, THE LAW OF ATTRACTION, *supra* note 7, at 30 ("Because the *Law of Attraction* is responding to the thoughts that you hold at all times, it is accurate to say that *you are creating your own reality*. Everything that you experience is attracted to you because the *Law of Attraction* is responding to the thoughts that you are offering.").

<sup>61</sup> Lawrence, *supra* note 4, at 2234–35.

<sup>62</sup> *Id.* at 2235.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

inadequacy, and inferiority. Lacking a sense of Being,<sup>65</sup> he rationalizes these feelings by casting the slave as inferior. Thus without the slave, the master is no thing.<sup>66</sup>

As such, the master and the slave embrace similar egoistic fears.<sup>67</sup> In a kind of existential realization of their total aloneness, they come to accept who and what they are.<sup>68</sup> They are interdependent—no thing without the other.<sup>69</sup>

Although Lawrence answers “The Man’s” question by examining the slave, the oppressed, first, the Dream confesses that whites, racism, and oppression have victimized him.<sup>70</sup> First, he identifies with the slave, the oppressed, not realizing that this identification depends on powerful core beliefs that co-create his experiences and realities. It’s Mulford’s principle writ large, all of which rests on the Hermetic principle: so within, so without. Why? At a very symbolic, psychological, and existential level, his Dream attempts to make Lawrence conscious that his fears conflict with his Being and higher purpose:<sup>71</sup> to be the quintessential teacher, scholar, and activist that he has in effect become. Yet, he’s ambivalent. Why does he identify with the enslaved, the oppressed? How has that identification freed people or eradicated oppression? It doesn’t.<sup>72</sup>

Second, after the Dream ends, is Lawrence any more empowered? No. He doesn’t have the key: the *Law of Attraction*. Keep in mind this

<sup>65</sup> See TOLLE, *supra* note 5, at 10 (“Being is the eternal, ever-present One Life beyond the myriad forms of life that are subject to birth and death.”); *id.* at 11 (“It is your very essence, and it is immediately accessible to you as the feeling of your own presence, the realization *I am* that is prior to I am this or I am that. So it is only a small step from the word *Being* to the experience of Being.”).

<sup>66</sup> Lawrence, *supra* note 4, at 2235–36.

<sup>67</sup> Cf. OSHO, COURAGE: THE JOY OF LIVING DANGEROUSLY 6 (1999) (“It is your fear that makes you a slave—it is your fear. When you are fearless you are no longer a slave; in fact, it is your fear that forces you to make others slaves before they can try to make a slave out of you.”).

<sup>68</sup> Lawrence, *supra* note 4, at 2236.

<sup>69</sup> See generally GEORG WILHELM FREIDRICH HEGEL, THE PHENOMENOLOGY OF MIND (Walter Kaufmann trans. & ed., 1958) (referring to the Lord-Bondmen dialectic).

<sup>70</sup> See generally JOHN H. MCWHORTER, LOSING THE RACE (2002) (discussing the cult of victimology); BILL COSBY & ALVIN F. POUSSAINT, COME ON PEOPLE: ON THE PATH FROM VICTIMS TO VICTORS (2007).

<sup>71</sup> See HICKS & HICKS, THE LAW OF ATTRACTION, *supra* note 7, at 34 (“Your emotions are your physical indication of your relationship with your Inner Being. In other words, as you are focused upon a subject and have your specific perspective and opinion about it, your Inner Being is also focused upon it and has a perspective and opinion about it. The emotions that you feel are your indication of the match or mismatch of those opinions.”); *id.* at 35 (“When you are giving thought in a direction of something that you want, you will feel positive emotion. When you are giving thought in the direction of what you do not want, you will feel negative emotion. And so, simply by paying attention to the way you are feeling, you will know, at all times, the direction from which your powerful magnetic Being is attracting the subject of whatever you are giving thought to.”).

<sup>72</sup> See *id.* at 37–38 (“In order for things to change, you have to see them as you want them to be rather than continuing to observe them as they are. The majority of the thoughts that you probably think are about the things that you are observing, which means that *what-is* dominates your focus, attention, vibration, and therefore your *point of attraction*.”).

principle does not rationalize slavery, oppression, or violence. If anything, this *Law* may have been the key force in the collective movements to end legalized slavery and Jim Crow laws because by resisting legal and social equality for blacks and other racial minorities and by having very strong negative feelings about such equality, whites unwittingly co-created the very experiences and realities that they feared most—the end of slavery, the death of Jim Crow, and the advent of modern and contemporary civil rights.<sup>73</sup> Nevertheless, his Dream leaves him, and thus us, bereft of what needs knowing: We, all of us, co-create our personal experiences and social realities.<sup>74</sup> As such, CRT's commitment to race consciousness compounds what Lawrence seems to miss.

In this way, the Word and the Dream keep minorities and women fearing not what's within them but what's out there. For all of his fear, Lawrence tells us that the master's fear is far darker and is the invisible hand that cripples the lives of minorities and women. And so Lawrence can't say that the slave, the oppressed, co-creates her experiences. Likewise, he can't say that the master's deep-seated inferiority has little to do with the slave's diffidence, and that she's only likely to deepen his sense of worthlessness. By not so saying, Lawrence's meditation disinvites minorities and women from critically examining the way their core beliefs co-create, individually and collectively, their personal experiences and social realities.<sup>75</sup>

### III. THE WORD, THE JENA SIX CASE, AND THE LIMITS OF LAWRENCE'S MEDITATIVE MODEL TO END OPPRESSION AND TO PROMOTE EMPOWERMENT

*All that we are is a result of what we have thought.*  
Siddhartha ("Buddha") Gautama<sup>76</sup>

#### A. Introduction

It is through the Word that minorities and women lay claim to their

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<sup>73</sup> See HICKS, ABRAHAM SPEAKS I, *supra* note 7, at 18 (“[A]s a thought, by the *Law of Attraction*, attracts other thought like itself, eventually that thought does become powerful enough to manifest into the physical equivalent.”).

<sup>74</sup> HICKS & HICKS, THE LAW OF ATTRACTION, *supra* note 7, at 45 (“[Y]ou are *always* utilizing it, whether you know that you are or not. You cannot stop using it, for it is inherent in everything that you do.”).

<sup>75</sup> See ROBERTS, *supra* note 6, at 4 (“You project your thoughts, feelings, and expectations outward, then you perceive them as the outside reality. When it seems to you that others are observing you, you are observing yourself from the standpoint of your own projections.”). See also ORNSTEIN, *supra* note 20, at 32 (“We develop stereotyped systems, or *categories*, for sorting input. The set of categories we developed is limited, much more limited than the input. . . . If we categorize a person as ‘aggressive,’ we then consistently tend to sort all his actions in terms of this category.”).

<sup>76</sup> BYRNE, *supra* note 33, at 73.

humanity and freedom. “The Word is an articulation and validation of our common experience. It is a vocation of struggle against dehumanization, a practice of raising questions about reasons for oppression, an inheritance of passion and hope.”<sup>77</sup> In a healer’s hand, the Word helps the soul. In a preacher’s hands, it teaches the oppressed. Together the healer and preacher work within a Christian tradition that rejects hierarchy so that those who seek liberation can be both teachers and students.<sup>78</sup>

Thus the Word is a tool for empowerment. It interrogates racism. It eradicates sexism. It undermines oppression. As such traditional legal scholars cannot practice the Word. They prefer not subjectivity but objectivity. They write not to change but to explain the world.<sup>79</sup> Emotionally disengaged, cognitively distant, and morally indifferent, they heed no suffering or anger. They are, after all, already liberated. They are devotees of legal orthodoxy.<sup>80</sup> Unlike traditional legal scholars, Lawrence and Race Critics engage in aspirational work. It’s an education in praxis, blending “action and reflection.”<sup>81</sup> Quoting Mari Matsuda approvingly, Lawrence declares that practitioners of the Word “ground[] [their work] in the particulars of a social reality that is described by the experiences of people of color.”<sup>82</sup> This aspirational work is “consciously historical and revisionist.”<sup>83</sup> By responding to the needs of the oppressed and subordinated, Lawrence’s practical and utopian work builds on the voices of prior generations. In short, the Word contains within itself “liberating insight[s]” that permit practitioners to be keepers of the dream and to be visionaries for a different world.<sup>84</sup> In short, the Word liberates by giving the historically oppressed a voice to validate their oppression experiences.

Unfortunately, the Word focuses on white structural oppression, which is constructed by white agents and deployed by their institutions. It ignores whether minorities and women can co-create oppression. Rather, the Word presumes that such oppression is independent of their worthy struggles and noble resistance. By taking this approach, the Word attempts to undo the damage of dominant doctrine, which refuses to heed the suffering experiences of minorities and women. While it’s important to

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<sup>77</sup> Lawrence, *supra* note 4, at 2238.

<sup>78</sup> *Id.*

<sup>79</sup> See Morales, *supra* note 28, at 1. Using the metaphor of a small house, built by the petite bourgeoisie to embrace empirical orthodoxy, Morales writes: “[T]hey were told that these questions made no sense and were reproached for the sake of discouraging such questions in the future. ‘Whatever resides out there cannot be known,’ claimed the leader of the residents. ‘Asking such questions relegates us to a state of infancy. We should not question why, but rather how.’” *Id.*

<sup>80</sup> Lawrence, *supra* note 4, at 2238.

<sup>81</sup> *Id.* at 2239. See also Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering in Post-Civil Rights America*, 95 MICH. L. REV. 821 (1997).

<sup>82</sup> Lawrence, *supra* note 4, at 2238–39.

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

focus on structural oppression, the Word overlooks the real cause of these effects—the core beliefs of minorities and women, too.<sup>85</sup>

Ultimately, the cause is the unconscious human being.<sup>86</sup> Due to this unconsciousness, we believe we are our egoistic minds (e.g., race), and with this mindset and its related core beliefs, we miscreate in the world. We act out of anger and fear. We've long since forgotten that thoughts are real.<sup>87</sup> They have vibrations and frequencies. They draw to them matching experiences, people, and events.<sup>88</sup> We're all familiar with the aphorism: "birds of a feather flock together."<sup>89</sup> In this way, thoughts co-create the very oppression against which they complain and struggle. By focusing not on core beliefs but on only oppression, the Word never asks why minorities and women still struggle (or believe and act) as they do. It never declares that minorities and women too hold the key to their own empowerment. It doesn't ask because Lawrence already knows the cause—white structural oppression, which would by and large cease if whites would shift their formal processes toward inclusive and humanizing practices, which would lead to substantive parity.<sup>90</sup> As a result, by not

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<sup>85</sup> See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 60 ("The Being who feels that others do not like him—for whatever reason – whether it is religion, race, gender, or social status . . . no matter what the reason is that he feels that he is being discriminated against—it is his attention to the subject of the prejudice that attracts his trouble.").

<sup>86</sup> TOLLE, *supra* note 5, at 20–21.

<sup>87</sup> See generally GOSWAMI ET AL., *supra* note 21. See also FRIEDMAN, *supra* note 8, at 22–23 (discussing the relationship between consciousness, matter, and reality); CHRISTIAN DE QUINCEY, *RADICAL KNOWING: UNDERSTANDING CONSCIOUSNESS THROUGH RELATIONSHIP* (2005).

<sup>88</sup> MAY, *supra* note 32, at 122–23 ("*World is the structure of meaningful relationships in which a person exists and in the design of which he participates.*"); HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 32–33 ("*The Law of Attraction and its magnetic power reaches out into the Universe and attracts other thoughts that are vibrationally like it . . . and brings that to you: Your attention to subjects, your activation of thoughts, and the Law of Attraction's response to those thoughts is responsible for every person, every event, and every circumstance that comes into your existence.*").

<sup>89</sup> See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 29 ("When you say, 'Birds of a feather flock together,' you are actually talking about the *Law of Attraction.*").

<sup>90</sup> Crenshaw, *supra* note 28, at 1341. Arguing against Thomas Sowell's restrictive view of civil rights remedies, Crenshaw takes issue with his claim: "the right to vote is a civil right. The right to win is not. Equal treatment does not mean equal results." *Id.* She embraces the "expansive view," which "stresses equality as a result, and looks to real consequences for African-Americans. It interprets the objective of antidiscrimination law as the eradication of the substantive conditions of Black subordination and attempts to enlist the institutional power of the courts to further the national goal of eradicating the effects of racial oppression." *Id.* Yet, Crenshaw's argument for "equality as a result" reveals the problem of simply focusing on actions and processes without accounting for core beliefs, too. Hence, it's illegal to discriminate against a person based on her race, sex, gender, and national origins. To enforce this proscription, the law focuses on intended actions (or disparate treatment) or the results of actions (or disparate impact). After *Washington v. Davis*, the Supreme Court made it quite difficult to bring disparate impact cases. See generally Charles R. Lawrence, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317 (1987). By punishing individual conduct, society presumes that it alters a person's core beliefs or emotional thoughts. Yet, despite more than 140 years of anti-discrimination laws, minorities and women still face illegal, unfair, and race-based treatment, and because race scholars still embrace dualism, they embrace the faulty proposition that racism is an external, objective wrong that happens to innocent people. The so-called

asking this question, the Word invites them to gather together, to complain, to wail, and to intensify their oppressive experiences.<sup>91</sup> While a noble aspiration, the Word cannot help the minorities and women empower themselves. It encourages their unconsciousness by suggesting that egoistic ideas like racial and gender identities are the very basis for their struggle against injustice and oppression.

### B. *The Jena Six Case*

On Monday, December 4, 2006, six black teenagers beat Justin Barker. On Friday, December 1, 2006, at the Fair Barn, a white adult male punched a black teenage student in the face. Other whites joined in, beating the student teenager. That following Monday, at the school cafeteria, Justin, a white teenager, taunted the black student for getting his “ass whipped.”<sup>92</sup> The taunted student punched Justin, rendering him unconscious. While lying unconscious, a group of black students beset Justin, kicking or stomping him. Despite conflicting witness statements, six students were identified and arrested, and District Attorney Reed Walters charged the students with second-degree attempted murder.<sup>93</sup> Mychal Bell, one of the six students, failed to make bail and was later tried and convicted on a reduced charge, facing a sentence of more than twenty years in prison.<sup>94</sup> These six students became known as the Jena Six.<sup>95</sup>

This fight flowed from an incident on August 31, 2006. On that date, a student asked the Vice Principal at Jena High School if black students could sit under a tree known as the “white tree.” Informing the students that they could sit anywhere they wished, black students gathered under the

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innocent “victims” are thus left bewildered and unable to explain their personal experiences and social realities, especially if federal and state laws ban racial discrimination. They likewise can’t understand why some minorities and women succeed and why they fail. Left frustrated, it’s quite easy to simply blame others, including calling successful minorities race traitors or sellouts, especially if as in the case of Associate Justice Clarence Thomas they espouse a different existential and political philosophy. A more effective approach would be to understand how the *Law of Attraction* affects all us, which would make us veritable captains of our own personal destinies. See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 142 (“Of course, most of them do not understand how they are getting what they are getting. And that is the reason why there are so many who believe that they are victims . . . . They do not understand that they invite through their thought or through their attention.”).

<sup>91</sup> Cf. MULFORD, *supra* note 16, at 19 (“When people come together and in any way talk out their ill-will toward others, they are drawing to themselves with ten-fold power an injurious thought current.”); TOLLE, *supra* note 5, at 150.

<sup>92</sup> Alan Bean, Friends of Justice, *Responding to the Crisis in Jena, Louisiana*, at 3, [http://friendsofjustice.files.wordpress.com/2007/07/responding\\_to\\_the\\_crisis\\_in\\_jena1.doc](http://friendsofjustice.files.wordpress.com/2007/07/responding_to_the_crisis_in_jena1.doc) (last visited May 28, 2008).

<sup>93</sup> *Id.*

<sup>94</sup> Howard Witt, *Louisiana Teen Guilty in School Beating Case*, CHI. TRIB., June 29, 2007, at C7, available at Lexis, News Library, CHTRIB File; Howard Witt, *Charge Reduced in ‘Jena 6’ Case*, June 26, 2007, at C4, available at Lexis, News Library, CHTRIB File.

<sup>95</sup> The Jena Six: Part 1 of 6, YOUTUBE, <http://www.youtube.com/watch?v=PVRaD3DDrBw> (hosted by DEMOCRACY NOW!) (last visited May 28, 2008).

tree. On September 1, 2006, three white students hung two nooses, painted in the school's colors, on the "white tree." Upon discovering the nooses, black students grew angry, concluding that the nooses were racially offensive and symbolically, if not actually, threatening. Once the principal, Scott Windham, learned who had tied the nooses to the tree, he recommended suspension. However, the school board, concluding that the nooses were a prank, ordered the students to suffer three days of in-school suspension. The board considered the matter closed.<sup>96</sup>

However, on September 5, 2006, black parents met at a local church. They considered the nooses a hate crime and racial intimidation. Ms. Caseptla Bailey knows the meaning of the nooses:

It meant hatred, to the other race. It meant that "We're gonna kill you, you gonna die." You know, it sent a message: "This is not your place for you to sit. This is not your damn tree. Do not sit here. You know, you are to remain in your place, how your place, and stay in your place. You're out of your boundaries."<sup>97</sup>

Fearing further racialized unrest, police officers patrolled the high school's halls. On September 8, 2006, a full lockdown was ordered at the high school. On September 10, 2006, school board members refused to hear from at least two-dozen black parents. On September 18, 2006, school board members allowed a spokesperson of the black families to make a five-minute statement. However, the board refused to talk about the nooses. It considered the matter "fully addressed and resolved." Later, "*The Jena Times* suggested that black parents were to blame for the unrest at the school because their September 5th gathering had attracted media attention."<sup>98</sup> Basically, whites explicitly or otherwise blamed blacks for noose incident's lingering odor.

On September 6, 2006, after black students protested under the "white tree," high school officials called for an assembly, at which District Attorney Reed Walters appeared. Warning black students against further unrest, Walters stated: "I can make your lives disappear with a stroke of a pen."<sup>99</sup> It is clear that whites took a different view of the nooses. For example, Ms. Barbara Murphy, the town's librarian, assigned no racism to the nooses. "We don't have a race problem. It's not black against white. It's crime. The nooses? I don't even know why they were there, what they were supposed to mean. There are pranks all the time, of one kind or

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<sup>96</sup> Bean, *supra* note 92, at 1–2.

<sup>97</sup> The Jena Six, *supra* note 95.

<sup>98</sup> Bean, *supra* note 92, at 2.

<sup>99</sup> *Id.*

another, going on. And it just didn't seem to be racist to me."<sup>100</sup>

From September to the end of November, the noose incident was an undercurrent at the high school. For example, several black male students were "unusually agitated."<sup>101</sup> Disciplinary referrals against these students spiked. On November 30, 2006, a suspected arson almost destroyed the academic wing of the high school, and in a December 13, 2006 statement in *The Jena Times*, Walters referred to the two incidents at the high school, thus implying that the students who allegedly assaulted Justin Barker were also suspected arsonists.<sup>102</sup> The weekend immediately following November 30, 2006 was marked by racialized violence.<sup>103</sup>

On January 29, 2007, the school board met to consider reversing its decision to reject the principal's suspension recommendation. However, appearing at that meeting as the school district's legal counsel, Reed Walters, the District Attorney,<sup>104</sup> more than likely argued against the board reversing itself, thus keeping the focus not on white racism but on the six black students who were arrested and charged with second-degree attempted murder. Later, to allay concerns by teachers at the high school who'd threatened a "sick-out" if order were not restored, Reed amped up the charges against the six students, thus including conspiracy to commit second-degree murder, charges that carried "a maximum sentence of life in prison."<sup>105</sup> Furthermore, the principal expelled the six students for the remainder of the school year.<sup>106</sup>

### C. *The Word as Pedagogy as Scholarship as Struggle: An Analytical Application to the Jena Six Case*

#### 1. *The Word as Pedagogy.*

How would Lawrence teach the issues related to the Jena Six case?<sup>107</sup> More than likely, he'd use Derrick Bell's path-breaking work:<sup>108</sup> *Race, Racism, and American Law*,<sup>109</sup> a great but otherwise pessimistic existential

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<sup>100</sup> The Jena Six, *supra* note 95.

<sup>101</sup> Bean, *supra* note 92, at 2.

<sup>102</sup> *Id.* at 2–3.

<sup>103</sup> *Id.* at 2.

<sup>104</sup> *Id.* at 4.

<sup>105</sup> *Id.* at 3.

<sup>106</sup> *Id.*

<sup>107</sup> I have absolutely no idea how Lawrence would actually analyze or apply this meditative discourse to the Jena Six case. I thus must speculate, drawing inferences from my understanding of what he attempted to achieve in this article. Yet, I've avoided using words and phrases like "probably," "might," and "I think" because I trust that the reader will give me the benefit of the doubt. I offer this footnote for those who might not.

<sup>108</sup> Lawrence, *supra* note 4, at 2240–41.

<sup>109</sup> See generally DERRICK A. BELL, JR., *RACE, RACISM, AND AMERICAN LAW* (5th ed. 2004).

treatise.<sup>110</sup> He'd introduce the students to Alan Freeman's seminal analysis that gave us terms like perpetrator's and victim's perspectives,<sup>111</sup> and Bell's interest-convergence model.<sup>112</sup> He'd work through methodological problems, so that he could introduce the students to the legal context of criminal law and constitutional criminal procedure, thus giving them legal doctrine, lawyering skills, and space to share their "personal experience, feelings, and values."<sup>113</sup> Likewise, he'd work through substantive problems, so that he could avoid "unsatisfactory and dishonest" explanations if courts veered from a humanistic jurisprudence, and so that he could encourage students to know that legal doctrine helps to "maintain fundamental patterns of race and class in American society."<sup>114</sup> The Jena Six case would serve as a classic example through which the dominant interest used the prosecutor's office and the courts to reinforce patterns of white superiority and black inferiority.

Lawrence would apply a holistic pedagogy to the Jena Six case. Accordingly, he'd focus his students on legal and institutional reforms, seeking political, legislative, judicial, and administrative remedies. Using simulation exercises extensively, he'd divide the class into groups, and each group would represent "a specific interest group or constituency within the minority community" of Jena.<sup>115</sup> At the very least, these constituents are parents, students, church leaders, community lawyers, civil rights activists, etc. In working with these groups, the students would seek to change the political climate in Jena where blacks are only fifteen percent of the city's population. They'd reevaluate their role as attorneys, their personal images, and their relationship to "dominant culture"<sup>116</sup> so that they'd not distort the lawyer-client relationship, and so that they'd not undermine a poor or subordinate client's power to describe their injurious experience.<sup>117</sup> In this way, the students would first assess the client group's access to political power, and which legislative, judicial, and administrative remedies are effective. Second, each student group would propose short-term goals and long-term strategies so that minority constituents can effectively pursue these goals.

Lawrence's Word as pedagogy with its simulations and brief essays is

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<sup>110</sup> See Alan D. Freeman, *Race and Class: The Dilemma of Liberal Reform*, 90 YALE L.J. 1880 (1981) (reviewing DERRICK BELL, *RACE, RACISM, AND AMERICAN LAW* (2d ed. 1980)).

<sup>111</sup> See generally Alan David Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 (1978).

<sup>112</sup> See generally Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

<sup>113</sup> Lawrence, *supra* note 4, at 2241.

<sup>114</sup> *Id.* at 2242.

<sup>115</sup> *Id.* at 2244.

<sup>116</sup> *Id.* at 2243.

<sup>117</sup> *Id.* at 2246.

a successful, engaging, rewarding, and daunting way to empower students and clients, especially the poor, and to disengage from dominant legal doctrine. However, his pedagogy fails to redress the underlying unconsciousness issues that turned the hanging of two nooses into the Jena Six case. There is a fear in this failure, one that returns us to the Dream. What Lawrence, the co-creator of the Dream, fears most was that place within him that helped him answer “The Man’s” question—his Yin, his consciousness. This lurking fear permits Lawrence’s pedagogy to be at once manifold and complicated and at the same time mundane and familiar. Manifold, it forges wide-ranging remedies. Complicated, it softens the lawyering process by getting his students to normalize themselves again. Yet, it’s mundane because in the end, his pedagogy seeks reforms that we know change not the beat but the tone to the following question: “What is the source of oppression?” It’s familiar because we learn what we’ve been told for decades: white racism explains the tragic reality of black life. But at the Fair Barn when the white man punched the black teenage student, white racism was not solely responsible. It was ignorance and arrogance sheltered by mob violence. Likewise, when the black student knocked Justin Barker unconscious after Justin taunted him, white racism was not present, and only the most cynical among us would accept it as the cause for a fist thrown in anger and shame. Having raised the mundane and familiar to their obvious ridiculousness, where will the Word as pedagogy take these students and us lurkers? Nowhere, unless Lawrence accepts that the Dream was his potential awakening. Like the rest of us, he’s unconscious, too.

What about the black and white stakeholders in the Jena Six case? Are they unconscious, too, relying on core beliefs that tragically co-create experiences in their lives, so that, as in Lawrence’s Dream, they have an opportunity to awaken from egoistic categories like race that have not ever truly empowered them? Rather, such categories keep them trapped in a bygone era that will never repeat itself again on American soil, except in the interior landscapes of their minds.<sup>118</sup> By living in the past or projecting into the future, they become and remain frustrated. They live with anger. They struggle with shame. They cope with fear. They live under the long

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<sup>118</sup> See MATTHIEU RICARD & TRINH XUAN THUAN, *THE QUANTUM AND THE LOTUS: A JOURNEY TO THE FRONTIERS WHERE SCIENCE AND BUDDHISM MEET* 123 (2001) (“According to the Madhyamaka school, the right way to look at reality is in terms of the interdependence between conscious and unconscious phenomena, neither of which exists in absolute terms. . . . Nevertheless, the interaction between our consciousness and ‘exterior’ phenomena forms a network of special relationships that define ‘our’ world. And this world does fade away when one of its elements—consciousness, for example—is missing.”). Thus, based on this view, I can comfortably draw the inference that but for the specific, special relationships between blacks, whites, and others, the Jena Six case could not have taken place. In the end, all of the stakeholders in Jena, Louisiana, co-created this powerful, unfolding event.

shadow of another's perceived power or anger.<sup>119</sup>

Aren't all of these dramatic, emotional elements present in the Jena Six case? For what reason? Given the great amount of energy that fed the Jena Six case, I can't imagine that these stakeholders worked this hard to co-create the Jena Six event<sup>120</sup> just so that protest organizers like Louis Farrakhan and minimally supported leaders like Jesse Jackson and Al Sharpton could come to Jena, Louisiana for an "Ain't-America-Unjust" performance.<sup>121</sup>

Deep within the bowels of this unfortunate event, a healing opportunity lies waiting for brave warriors to grasp it through the painful work of self-exploration.<sup>122</sup> Not distracted by egoistic concepts like race or racial identity, the brave warrior knows that we're all linked to our experiences, and that realities depend on everything and everyone else. She thus digs deeper and discovers the existential need to heal the human suffering caused by the egoistic concepts that blacks, whites, and others are separate, different beings.<sup>123</sup> If the Word as pedagogy doesn't force students to dig deeper into the existential psyche of their clients and themselves, then Lawrence is simply training his very bright students to be creative, intellectually nimble guerilla fighters, always armed and ready for endless racialized legal battles. They'll have wins and losses but no end to oppression as an external, objective experience that befalls those among us who can't stand upright under its overbearing weight. Unfortunately, if we can't legislate morality, if institutional reforms don't make us morally sensitive, and if egoistic categories like race suggest a moral lacking on the part of their faithful, then what will legal remedies, however novel or broadly orchestrated, do to end racism and oppression? Unfortunately, legal history and constitutional jurisprudence tell us the answer—

<sup>119</sup> See, e.g., THOMAS JEFFERSON, NOTES ON THE STATE OF VIRGINIA (1853), available at Google Books, <http://books.google.com/books?id=DTWtRSMtbYC> (last visited April 11, 2008).

<sup>120</sup> See RICARD & THUAN, *supra* note 118, at 62 ("Buddhism instead adopts the notion that all things exist only in relationship to others, the idea of mutual causality. An event can happen only because it's dependent on other factors. Buddhism sees the world as a vast flow of events that are linked together and participate in one another.").

<sup>121</sup> See Larry Elder, *Is Jena a Story of Unequal Justice?*, DAILY BREEZE (Torrance, Cal.), Sept. 29, 2007, available at Westlaw, DLYBREEZE File. Citing an AP-AOL Black Voices survey that asked blacks to name important black leaders, more named "nobody" over the name provided. "Jackson was named by 15 percent of respondents; 2 percent named Sharpton; and Louis Farrakhan, leader of the Nation of Islam, an organization also active in supporting the Jena 6, was named by 4 percent." *Id.*

<sup>122</sup> See, e.g., Avis Thomas-Lester, *Repairing Senate's Record on Lynching: "Long Overdue" Apology Would Be Congress's First for Treatment of Blacks*, WASH. POST, June 11, 2005, at A01, available at Lexis, News Library, WPOST File.

<sup>123</sup> See RICARD & THUAN, *supra* note 118, at 62 ("Buddha described reality as a display of pearls—each pearl reflects all of the others, as well as the palace whose façade they decorate, and the entirety of the universe. . . . [A]ll of reality is present in each of its parts. . . . [N]o entity independent of the whole can exist anywhere in the universe.").

“nothing”!

In the end, the Word as pedagogy educates well. However, it does not tackle the root cause of racialized events like Jena Six. As such, progressive learning tools like simulations will still require students to use logical forms to cope with nonlogical and nonlocal causes.<sup>124</sup> In the Jena Six case, we see that unconscious people, black and white, allowed emotions to govern them. Recently, James Watson’s emotions overrode his vast training in genomic sciences. Although he carries African and Asian genes, he publicly stated that Africans as a whole are intellectually inferior.<sup>125</sup> As a result, he lost his fame and his prestigious appointment.<sup>126</sup> Yet, Watson has a healing opportunity.<sup>127</sup> In the Jena Six case, black and white stakeholders had the same opportunity, best understood not in legalistic but co-creative terms. Having come together in racially charged climes, they must interrogate their racial identity and race consciousness and explore their buried, unacknowledged emotions, all egoistic categories that co-create oppressive experiences.<sup>128</sup> In present, practical terms, anger and guilt are both psychologically oppressive experiences. Oddly, co-creation means that at the very least blacks, whites, and others are literally

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<sup>124</sup> See *id.* at 65–68 (discussing Einstein’s ERP experiment, an effort to debunk quantum mechanics and to prove that “God does not play dice”). Eventually, building of Einstein’s experiments, which always confirmed the probabilistic world of quantum physics, scientists learned that light not only moves faster than Einstein’s theory of 182,000 miles per second, but that apparently separate atom particles were able over distance to communicate instantly. Hence, local causality could not explain this phenomenon. Accordingly, causation is both local and nonlocal. See *id.* at 68 (“Quantum mechanics thus eliminates all idea of locality. It provides a holistic idea of space. The notions of ‘here’ and ‘there’ become meaningless, because ‘here’ is identical to ‘there.’ This is the definition of what physicists call ‘nonseparability.’”).

<sup>125</sup> Jonathan Leake, *DNA Pioneer Watson is Blacker Than He Thought*, SUNDAY TIMES (London), Dec. 9, 2007, at 1, available at Lexis, News Library, STIMES File.

<sup>126</sup> Cornelia Dean, *James Watson Quits Post After Remarks On Race*, N.Y. TIMES, Oct. 26, 2007, at A18, available at Lexis, News Library, NYT File.

<sup>127</sup> See RICARD & THUAN, *supra* note 118, at 63 (“[I]f you dig deep enough, there is a difference between the way we see the world and the way it really is, and the way it really is, we’ve discovered, is devoid of intrinsic existence.”). By digging deeper into race and racial identity, Watson would have discovered that he felt good about his whiteness purely out of a misunderstanding, one so strong that it overrode his extensive training and scientific experience in genomic research. By overcoming this misunderstanding and its attendant emotional beliefs, Watson would have also discovered the inherent emptiness of race and racial identity. Given its emptiness, he would have realized what experience dictates: race and racial identities are illusions, and it is only out of ignorance that we use them to give us and others any value. Accordingly, if he actually realized as much, then he created or co-created an opportunity to heal, especially after he learned that he too carried African and Asian genes.

<sup>128</sup> See, e.g., The Jena Six, *supra* note 95 (Caseptla Bailey states: “The first thing was devastation. You know, I was down when it first happened. You know, I was very devastated. I was hurt, upset, angry, mad, frustrated.”). Cf. TOLLE, *supra* note 5, at 185 (“When you deny emotional pain, everything you do or think as well as your relationships become contaminated with it. You broadcast it, so to speak, as the energy you emanate, and others will pick it up subliminally. If they are unconscious, they may even feel compelled to attack or hurt you in some way. . . . You attract and manifest whatever corresponds to your inner state.”).

working together, all unknowingly seeking to heal and reconcile;<sup>129</sup> it's just that they're miscreating, too. For all of his creative teaching and the students holistic learning, Lawrence's Word as pedagogy can't transform minorities and women into warriors because it ultimately needs and depends upon an egoistic world in which blacks are victims, whites their tormentors.

## 2. *The Word as Scholarship*

The Word rejects any separation of scholarship from pedagogy. It's impossible, if the Word is to give voice to the silenced and space to the objectified. To this degree, subjectivity guides the way in which Lawrence might write about the Jena Six case. Given his rather broad definition of scholarship that includes parallel, oral text, he'd explore subjectivity in the following way: (1) the scholar's positioned perspective, (2) the nonneutrality of purpose, and (3) the linguistically positioned subject.<sup>130</sup>

### a. Scholar's Positioned Perspective

Lawrence would have a very clear position on what went wrong in the Jena Six case. Not only would he read the facts, but also would he trust his own "senses, feelings, and experiences,"<sup>131</sup> all of which suggest that Lawrence is guided by his core beliefs.<sup>132</sup> Accordingly, he'd "give them authority, even (or especially) in the face of dominant accounts of social reality that claim universality."<sup>133</sup> He'd comfortably say: "I'm outraged, and therefore the Jena Six case is unjust!"<sup>134</sup> By giving his perspective authority, he'd know intuitively that Reed Walters was heavy-handed, driven by privately expressed racial hysteria. He'd know emotionally that Walters wanted not to offer even-handed justice to the black student who was assaulted at the Fair Barn, or for the black students who had to face a local resident wielding a shotgun, or the black families of the Jena Six, but

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<sup>129</sup> See TOLLE, *supra* note 5, at 149 ("The ultimate effect of all the evil and suffering in the world is that it will force humans into realizing who they are beyond name and form. Thus, what we perceive as evil from our limited perspective is actually part of the higher good that has no opposite."); Thomas-Lester, *supra* note 122 ("The Senate is set to correct that wrong Monday, when its members will vote on a resolution to apologize for the failure to enact an anti-lynching law first proposed 105 years ago. . . . If the Senate had acted years ago, [Virginia Senator George] Allen said, 'it would have sent a signal' that the government did not condone lynching. 'If leaders are quiet, there is a sense in the general population that this sort of violent, vile behavior or conduct is acceptable,' he said.").

<sup>130</sup> Lawrence, *supra* note 4, at 2252.

<sup>131</sup> *Id.* at 2253.

<sup>132</sup> See ROBERTS, *supra* note 6, at 46 ("[Core beliefs] will spring events that only serve to reinforce it. Experiences—both personal and global—will come into the perception of a person who holds this belief, that will only serve to deepen it further.").

<sup>133</sup> Lawrence, *supra* note 4, at 2253.

<sup>134</sup> *Cf. id.* at 2255 ("I am offended. Therefore, these materials are offensive.' It is these words that are revolutionary.").

to appease white residents, thus making not white racism but black unrest the real issue. He'd know from experience that prosecutors like Walters have been persecuting black residences since freemen and slaves asserted their natural rights to be free of racial violence and of brutal inhumanity.<sup>135</sup> Yet, because co-creation is nonlocal,<sup>136</sup> do the core beliefs of progressive legal scholars like Lawrence bring racialized events like Jena Six into physical existence?

Although Lawrence's perspective would be anti-authoritarian and subjective, can it empower? Can it free minorities and women from egoistic categories like race, which keep them separated from other human beings? First, given that Lawrence requires Word practitioners to identify with racial minorities' oppression experiences, then he's implicitly assuming three things: they are disempowered; oppression flows from objective, external forces that happen to them; and what they experience has nothing to do with their thoughts, beliefs, feelings, actions, and words. Second, every experience, especially if we delve deeply within it to learn what it has to teach us, can empower us. Third, few of us, especially ego-based humans, take the road less traveled. How many of us would live the life of, and follow the teachings of, Buddha, Krishna, or Sananda?<sup>137</sup> Fourth, how do we know when we've encountered the "actual experience of a sober person"?<sup>138</sup> Even if "intensely lived experience[s]" of so-called blacks have given that community an "autobiographical form that is free of excessive subjectivism or mindless egotism,"<sup>139</sup> why should others defer to this kind of oral scholarship if it lacks potency, efficacy, and empowerment? Although simple answers don't help, I can say that ordinary people are so ego-centered and disconnected from their Being that they'd rather blame whites, racism, and white structural oppression than to declare themselves as the cause of their experiences and realities.<sup>140</sup> They

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<sup>135</sup> See generally IRA BERLIN, *SLAVES WITHOUT MASTERS* (1981).

<sup>136</sup> See TARG & HURTAK, *supra* note 32, at 85 ("How is it that separation of awareness is an illusion? We live in a nonlocal reality, which is to say that we can be affected by events that are distant from our ordinary awareness. . . . [I]t means that laboratory experiments are subject to outside influences that may be beyond our control or knowledge. In fact, precognition research strongly suggests that an experiment could, in principle, be affected by a signal sent from the future!").

<sup>137</sup> See THUBTEN CHODRON, *OPEN HEART, CLEAR MIND* 18 (1990) ("Buddha described our human experience and how to improve it. He didn't create our situation. . . . Describing our difficulties and their causes, the Buddha also explained the way to eliminate them. He told of our great human potential and how to develop it. It's up to us to ascertain through logic and our own experience the truth of what he taught.").

<sup>138</sup> Lawrence, *supra* note 4, at 2256 (quoting JOHN L. GWALTNEY, *DRYLONGSO: A SELF PORTRAIT OF BLACK AMERICA* 8 (1980)).

<sup>139</sup> *Id.*

<sup>140</sup> MAY, *supra* note 32, at 15 ("[W]e repress the *sense of being*, the ontological sense. One consequence of this repression of the sense of being is that modern man's image of himself, his experience of himself as a responsible individual, his experience of his own humanity have likewise disintegrated.").

might say: “Look what they’ve done to me; I shall never be the same.” Can’t an oral text by unconscious people that blames others be autobiographical too?

Hence, minorities’ and women’s positioned perspectives have long been in the world.<sup>141</sup> At the very least, these perspectives enter the world when parents teach their children to embrace egoistic categories like racial and ethnic identities.<sup>142</sup> In so doing, they’ve relied on words and actions,<sup>143</sup> all in context, which barely empower and mostly trap us.<sup>144</sup> As such, these positioned perspectives constitute the power “to tell the silenced stories, the unrecorded perspectives, of our foremothers and forefathers.”<sup>145</sup> By so telling, they became historical revisionists,<sup>146</sup> which, despite systemic racism, confesses their pre-existing subjectivity, and which, despite local restraints, acknowledges their power to retell their stories and rewrite their

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<sup>141</sup> See, e.g., OLAUDAH EQUIANO, *THE LIFE OF OLAUDAH EQUIANO, OR GUSTAVUS VASSA, THE AFRICAN* (Joslyn T. Pine ed., Dover Publications 1999) (1814); Martin Luther King, Jr., *Letter from Birmingham City Jail* (1963), reprinted in *A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR.* 289 (James Melvin Washington ed. 1986); Maya Angelou, *Still I Rise*, reprinted in *THE NORTON ANTHOLOGY: AFRICAN AMERICAN LITERATURE* 2039 (Henry Louis Gates, Jr. & Nellie Y. McKay eds. 1997).

<sup>142</sup> LITWACK, *supra* note 18, at 17 (“Such expressions as ‘white is right, black is wrong’ or ‘that’s a white man’s job!’ conveyed meanings readily understood by young blacks. Some parents went so far as to tell their children, ‘It’s a white’s man world, and you just happen to be here, nigger.’”); ROBERTS, *supra* note 6, at 56 (“There is some information necessary to physical survival that must be taught and handed down from parent to child. . . . So it is necessary that the child accept beliefs from its parents.”).

<sup>143</sup> Cf. HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 79 (“Many people have set their own intuitive guidance aside, replacing it with the opinions of parents, teachers, experts, or leaders in a variety of disciplines.”).

<sup>144</sup> See LITWACK, *supra* note 18, at 5. Seeking to teach his grandchild a great lesson in accommodating Jim Crow etiquette, Grandfather Holcombe took a catfish out of the creek. Allowing it to thrash about, he placed the fish back in the water. After it swam a bit, he took the catfish out of the water and allowed it to thrash to death on the bank. Then he told Charlie: “Son a catfish is like a nigger. As long as he is in his mudhole he is all right, but when he gits out he is in for a passel of trouble. You ‘member dat, and you won’t have no trouble wid folks when you grows up.” *Id.* See also ORNSTEIN, *supra* note 20, at 19–20 (“Every individual is at once the beneficiary and the victim of the linguistic tradition into which he has been born – beneficiary inasmuch as language gives access to the accumulated records of other people’s experience, the victim insofar as it confirms him in the belief that reduced awareness is the only awareness, and as it bedevils his sense of reality, so that he is all too apt to take his concepts for data, his words for actual things.”) (quoting ALDOUS HUXLEY, *THE DOORWAYS OF PERCEPTION AND HEAVEN AND HELL* 22–24 (1954)); ROBERTS, *supra* note 6, at 57 (“The beliefs that you receive, therefore, are your parents’ conceptions of the nature of reality. They are given to you through example, verbal communication, and constant telepathic reinforcement. . . . [A]nd from your parents you are also given concepts of what you are. You pick up their ideas of your own reality.”); HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 79–80 (“They have often become convinced of their unworthiness and of their incorrectness, so they are afraid to move forward, trusting their own guidance or their own conscience, because they believe that there may be someone else who knows more clearly than they do what is appropriate for them.”).

<sup>145</sup> Lawrence, *supra* note 4, at 2256.

<sup>146</sup> *Id.* at 2256–57.

histories.<sup>147</sup> With each retelling and rewriting, they distorted them and made them “unreal” because, through their families, they were initially taught wrong things: race, racial identities, and race consciousness.<sup>148</sup> Elite historiographies are thus just one source of such distortions. For example, when Alice Walker found Zora Neal Hurston’s retold stories of voodoo, she found the “model that . . . every artist must have.”<sup>149</sup> However, did voodoo priest and priestess use their craft against their own people? Moreover, whom did Houston’s High John the Conqueror serve? Accordingly, a revisionist “model” depends on the artist’s purpose, and while we must avoid the embedded universalism in Lawrence’s example,<sup>150</sup> why haven’t minorities and women today relied on these long-been-in-the-world positioned perspectives of noted and unheralded voices to become empowered?

Regardless, Lawrence’s positioned perspective may give minorities and women tools to give their perspectives authority and to make themselves visible. However, how will these perspectives displace the ego-centered minds that actually co-created the Jena Six case? The Jena Six case is clearly not about hardened criminal types against whom the community at large must protect itself. For example, Jacquie Soohen describes members of the Jena Six as athletes with promising collegiate futures. Mychal Bell, who was convicted, has scholarship offers from LSU, Southern Mississippi, and the University of Mississippi. Not only is Bell a star running back but also a strong student. Furthermore, Marcus Jones, the father of Robert Jones, focuses on Reed Walters, the district attorney. “The DA is a racist DA. You know, I’m not calling him out for being a racist. I’m calling him out as being a racist due to his track record.”<sup>151</sup> In this way, Bell and Roberts are human beings. They could be our children, hanging out in the wrong place at the wrong time. They made mistakes in judgment. They acted out of anger, shame, and frustration. They got caught. They have their whole, productive, learning lives ahead of them. Unfortunately, they got ensnared by an overzealous,

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<sup>147</sup> See FREDERICK DOUGLASS, *MY BONDAGE AND MY FREEDOM* (Wilder Publications 2008) (1855); PATRICIA RAYBON, *MY FIRST WHITE FRIEND* (1996); TOI DERRICOTTE, *THE BLACK NOTEBOOKS: AN INTERIOR JOURNEY* (1997).

<sup>148</sup> Cf. OSHO, *FREEDOM: THE COURAGE TO BE YOURSELF* 14 (2004) (“The family is the ground of all conditionings; it gives you as inheritance the whole past and the load, the burden of all those things that have been proved wrong for hundreds of years. You are loaded with all those wrong things, and your mind is closed and clogged and it cannot receive anything new that goes against it. Your mind is simply full of wrong things.”).

<sup>149</sup> Lawrence, *supra* note 4, at 2257.

<sup>150</sup> See *id.* at 2258 (“In that story I gathered up the historical and psychological threads of the life my ancestors lived, and in the writing of it I felt joy and strength and my own continuity.”) (quoting Alice Walker, *Saving the Life that Is Your Own: The Importance of Models in the Artist’s Life*, in *IN SEARCH OF OUR MOTHER’S GARDENS* 3 (1983)).

<sup>151</sup> The Jena Six, *supra* note 95, at 5.

racist district attorney who's hell bent on protecting the racial status quo. Yet, were they ensnared by a person who was alien to their positioned perspectives about white agents like police officers or district attorneys? Did their arrests confirm their perspectives that America is still racist?<sup>152</sup> Lastly, can these perspectives enable us to unearth the core beliefs that drew black and white stakeholders to this larger than life event?

In discussing the power of positioned perspectives, Lawrence states that W.E.B. Du Bois and Langston Hughes autobiographically rewrote the master narratives that objectified minorities and women. Yet, did Al Sharpton and Jesse Jackson have such a perspective like the powerful voices of W.E.B. Du Bois, Patricia Williams, Mari Matsuda, and Audre Lorde? For example, "Al Sharpton and Jesse Jackson claim that harsh treatment of the Jena Six serves as a metaphor for the continued unequal justice for blacks in America."<sup>153</sup> Thus the Jena Six case becomes a metaphor for larger, race-based claims of injustice. Yet, some of the biographical and revisionist claims were cynical. Sharpton called Jena the Selma, Alabama of our day.<sup>154</sup> Is it? In Selma civil rights protestors marched for voter rights, and they were beset by police with whips, billy clubs, and tear gas, sending seventeen people to the hospital.<sup>155</sup> How are false analogies autobiographical?

Isn't the more compelling biographical and revisionist perspectives that despite the end of slavery, Jim Crow, modern civil rights, and anti-discrimination legislation, some minorities do not live emotionally, existentially, and psychologically in the twenty-first century? Like Ms. Bailey, they keep an emotional vigil for the return of institutionalized slavery. Didn't Ms. Bailey describe the potential jailing as institutionalized slavery? If so, it's unclear how a positioned perspective, especially as authored by Jackson and Sharpton, would sincerely redress the powerfully deep-seated co-creative energy that drove the Jena Six case and that will undoubtedly ignite future racialized events.<sup>156</sup>

How can they? Perspectives by Jackson and Sharpton confirm for

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<sup>152</sup> Cf. HICKS & HICKS, THE LAW OF ATTRACTION, *supra* note 7, at 91 ("Many around you want to point out 'reality' to you. They say, 'Face the facts. Look at *what-is*.' And we say to you, if you are able to see only *what-is* . . . Your emotional attention to *what-is* will root you like a tree to this spot.").

<sup>153</sup> Elder, *supra* note 121, at 2.

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> See, e.g., Gary A. Harki, *Six Arrested, Charged in Torture; Authorities Believe Racism Played Role in Woman's Ordeal*, CHARLESTON GAZETTE (West Virginia), Sept. 11, 2007 (Megan Williams, who was kidnapped and who has mental issues, including attention deficit hyperactivity disorder, "was forced to eat dog and rat feces and to like up blood. She was made to lick parts of [Frankie Lee] Brewster's body, under the threat of death. Her hair was pulled out. She was made to drink from the toilet. She was sexually assaulted while hot water was poured on her body, and while a man held a knife to her. . . . A woman allegedly cut Megan Williams' ankle and said, 'That's what we do to niggers around here.'").

their audience that they must focus not on core beliefs through which we co-create but on actions. So we look at what white citizens, white judges, white police officers, or white prosecutors do.<sup>157</sup> Then we usually demand better, more effective laws, rules, or regulations to make them stop. Despite more than 140 years of anti-discrimination laws, we still suffer racism and discrimination.<sup>158</sup> Unfortunately, when we ferret out racists so that we can apply these laws, we don't examine the core beliefs of minorities. Furthermore, Jackson's and Sharpton's perspectives also tell us that we can empower ourselves if we look to the past. And we do, and in so doing, we link present and past actions because we believe that actions explain why bad things happen to us. By relying on others like Jackson and Sharpton to keep us focused away from our own core beliefs, action-based positioned perspectives can keep us needing them to explain the advent of negative experiences and realities. Hence, it's not clear how Lawrence's use of positioned perspectives will perforce enable minorities and women to see exactly how they're co-creating what they don't want in their lives. Furthermore, it's not clear how such perspectives will likewise empower them.

As such, is part of the problem that while Jim Crow is dead, it still lives on in the thoughts and feelings of minorities and women? Is part of the problem that Lawrence, a progressive legal scholar, has not become a warrior of his inner realm? If all writing is ultimately existential, then Lawrence can't proffer what he's acknowledged but refused to explore: the co-creation principle, in which unity exists between the observer and the observed. How then is Lawrence's positioned perspective likely to heal, redress, and empower himself in legal academe and minority stakeholders in the Jena Six case?

#### b. Embracing Nonneutrality

Lawrence, in looking at the Jena Six case, would make no claim to value neutrality. He'd embrace Matsuda's "bottom-line instrumentalis[m]" and Freeman's result-oriented "victim perspective," all of which reject principles that are neutral or indifferent to the victim's conditions.<sup>159</sup> With

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<sup>157</sup> See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 76 ("Most humans are unaware of the power of their thoughts, the vibrational nature of their Being, or the powerful *Law of Attraction*, so they look to their *action* to make everything happen. And while we agree that action is an important component in the physical world in which you are focused, it is not through your action that you are creating your physical existence.").

<sup>158</sup> *Cf. id.* ("Your hospitals are filled to the brim with those who are now taking action to compensate for inappropriate thoughts. They did not create the illness on purpose, but they did create it—through thought and through expectation. . . . We see many people spending their days exchanging their action for money. . . . It is an attempt to compensate for misaligned thought.").

<sup>159</sup> Lawrence, *supra* note 4, at 2259.

this approach, Lawrence pursues “dual liberatory purpose[s].”<sup>160</sup> First, he’d discipline theoretical frameworks so that they align with a specific purpose. Second, he’d cure dominant ideology of its “mystifying and oppressive properties.”<sup>161</sup> Behind theories and ideologies, we’d find a values clash between “those who are burdened by and committed to ending discriminatory conditions and those who are responsible for and benefit from those conditions.”<sup>162</sup>

Hence, by embracing nonneutrality, Lawrence intends nothing short of exposing that dominant ideological moves directly impact what we know, what we experience, and how we engage socially difficult issues like “race and gender diversity on law school faculties.”<sup>163</sup> In the end, his goal is a multicultural community, in which policies actually don’t obscure but serve specifically affirmative action ends.

Given this nonneutrality, how would Lawrence analyze the Jena Six case? He’d say that criminal law jurisprudence is not a theoretically objective, value-neutral approach to keeping communities safe, to protecting life and property, and to punishing only criminally culpable actors. Rather, he’d conclude that Walters was interested in maintaining white hegemony, in keeping blacks in their subservient roles, and in ignoring the specific conditions of injustice. Otherwise, Walters would have been interested in prosecuting the young white adult who punched the teenage student in the face at the Fair Barn. He would have ordered police to arrest the white man who pointed a pump-action shotgun at three black high school students at the Gotta-Go convenience store.<sup>164</sup> Moreover, he would have charged both white men with attempted second-degree murder even if there was no clear evidence of their intent to do serious bodily harm.<sup>165</sup> He would have supported the school board’s efforts to suspend the three white students who placed nooses on the tree. Lastly, Walters would not have directly threatened black students with potential life sentences.

In this way, the Jena Six case is not simply about a racialized “prank” run amok, but rather about the continuing history of white agents using Louisiana’s criminal code to maintain white privilege. Hence, Jena Six is not about a value-neutral clash between the school board, the prosecutor, black parents, teachers, students, and the community at large. Rather, armed with nonneutrality, Lawrence would conclude that the Jena Six case

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<sup>160</sup> *Id.*

<sup>161</sup> *Id.* at 2260.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> Bean, *supra* note 92, at 3.

<sup>165</sup> *Id.* at 4–5; *see also* La. Rev. Stat. Ann. § 14:30.1(A)(2) (defining second-degree murder as “[w]hen the offender is engaged in the perpetration of cruelty to juveniles, even though he has no intent to kill or to inflict great bodily harm”).

really protects white power interest, enforces the perpetrator's perspective, ignores historical conditions, and reinforces the victim's status of the black community.

Furthermore, the Word's nonneutrality implies that dominant ideology has "mystifying and oppressive properties,"<sup>166</sup> further suggesting that minorities and women cannot explain their life situation. Implicitly then, Lawrence is suggesting that if oppressive experiences do not naturally flow from what minorities and women actually believe, think, feel, and do, it's entirely possible that left legal scholars can work theoretically and practically with progressive lawyers and community activists to eradicate white racism and promote racial justice.<sup>167</sup> Yet, experience teaches otherwise.<sup>168</sup> While it may be true that elites hide their anti-democratic practices behind cultural norms, institutional practices, liberal legalisms, and meritocracy claims, minorities in the 1960s openly named the "the Man" or "the system" while Black Muslims fingered the "white devil." Today, we know that despite overarching structural inequities, men, including minorities, engage in oppressive practices like separation violence, in which they kill their partners, lovers, and children.<sup>169</sup> While minorities and women may not know how to end poverty, they know who commits crimes and poisons their communities with drug sales and related activities,<sup>170</sup> all of which make these communities risky markets for commercial enterprises. Unfortunately, they may not inform the police,<sup>171</sup> and it's rare to hear civil rights leaders openly condemning crack

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<sup>166</sup> Lawrence, *supra* note 5, at 2260.

<sup>167</sup> See generally Eric K. Yamamoto, *Critical Race Praxis: Race Theory and Political Lawyering Practice in Post-Civil Rights America*, 95 MICH. L. REV. 821 (1997); ERIC K. YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* (1999). See also Robinson, *supra* note 2, at 1416 (asserting that Yamamoto and Robert Williams's models are incomplete because they posit that ordinary people are not powerful reality co-creators but victims and disempowered).

<sup>168</sup> See Robinson, *The Sacred Way*, *supra* note 25, at 405–11 (discussing Latinos who sell crack and engage in violent crimes so that they can be effective marketers of their product, even though such activity has a very negative impact on the residents of Spanish Harlem).

<sup>169</sup> See, e.g., Ernesto Londoño et al., *Divorce Scarred Md. Family of 5 in Murder-Suicide*, WASH. POST, Nov. 24, 2007, at A01, available at Lexis, News Library, WPOST File.

<sup>170</sup> See JUAN WILLIAMS, ENOUGH: THE PHONY LEADERS, DEAD-END MOVEMENTS, AND CULTURE OF FAILURE THAT ARE UNDERMINING BLACK AMERICA—AND WHAT WE CAN DO ABOUT IT 29 (2006) ("Black leaders, [Cosby] declared, should tell poor black people to stop smoking crack. . . . They should identify the crack trade as one of the primary reasons why so many young black people are ending up in jail.")..

<sup>171</sup> At Fla. *Housing Project, Rape Just Another Crime: Ghastly Attack on Mother, Son Puts Spotlight on Lawless Dunbar Village*, MSNBC.COM, July 10, 2007, available at <http://www.msnbc.msn.com/id/19698132/print/1/displaymode/1089> ("As in other blighted neighborhoods across the country where criminals seem to have free rein, residents here live in fear. Snitches get stitches, they say. Or worse.") [hereinafter *Ghastly Attack*].

dealers,<sup>172</sup> even though most members of the Congressional Black Caucus endorsed longer jail time for crack dealers.<sup>173</sup> Are crack dealers in Spanish Harlem or other urban communities victims or powerful reality co-creators?<sup>174</sup>

Some progressive legal scholars complicate this question by arguing that crack dealers can be “bad” people and victims of oppression. Unfortunately, very few of these scholars ever get beyond blaming white racism. Even if crack dealers can be “bad” and victims, they still have the power to write autobiographical narratives. Hence, crack dealers can claim that they are human beings with consciousness, too. Likewise, the Jena Six has proffered autobiographical narratives; yet, none of them has explained why they allegedly assaulted Justin, and why institutionalized slavery is a foreboding reality. Without such an existential explanation, the Word’s nonneutrality reduces us to the same dissatisfying accusations—“whites and their racism did it to us.” Perhaps we don’t have such an explanation because progressive legal scholars are unconscious, too, and because they too draw their identities from “victimizing” life situations. If so, they’ll read this essay and get angry with scholars like me who refuse to bandy the black-as-victims paradigm.<sup>175</sup> If so, then those progressive scholars have unfortunately constructed an intellectual safe harbor for minorities and women who co-create their personal experiences and social realities of racism and racial discrimination, and who resist the positive changes that will flow from examining how they’ve used their thoughts, beliefs, emotions, words, and actions to co-create against their

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<sup>172</sup> See WILLIAMS, *supra* note 170, at 29 (“But when was the last time you heard any civil rights leader raging against the clear evil of crack dealers, shaming them to stop selling crack?”).

<sup>173</sup> Elder, *supra* note 121.

<sup>174</sup> Cf. Jerome Burdi, *Third Teenager – Age 15 – Arrested in Dunbar Village Gang Rape of Mom*, SO. FLA. SUN-SENTINEL (Fort. Lauderdale), July 12, 2007 (discussing the gang rape of a mother and the beating of her son by ten men or boys. “She was forced to have to have sex with her son.” In addition to the beating, “he . . . had cleaning liquid poured into his eyes. The suspects fled after about 20 minutes.”). The foregoing gang rape and beating reveal that minorities are powerful co-creators. Again, by co-creating, I mean that minorities can draw people and events into their personal experiences and social realities to confirm what they think and believe. See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 33; *Ghastly Attack*, *supra* note 171 (“More officers are hitting the streets, but ‘I just bow my head sometimes and think we just couldn’t possibly have enough officers ever to take care of all of this,’ [City Commissioner Molly] Douglas said.”). By implication, the mom and her son were also powerful reality co-creators, too. We find this implication quite disturbing because we collectively believe in victimization. Yet, victims don’t exist; they are vibrationally and magnetically aligned with their experiences and realities, too. HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 58 (“The assaulted and the assaulter are co-creators of the event.”).

<sup>175</sup> Cf. TOLLE, *supra* note 5, at 182 (“Are you seriously ill and feeling angry now about what I have just said [about not identifying with your illness]? Then that is a clear sign that the illness [or feeling like a victim or blaming white racism] has become part of your sense of self and that you are now protecting your identity . . .”).

present and future happiness.<sup>176</sup>

### c. Linguistically Positioned Subject

The “victim’s perspective” directly relates to ordinary people as not “objects” but “subjects.”<sup>177</sup> Lawrence embraces this perspective because, so long as minorities and women have not ended oppression, “the fight must continue.”<sup>178</sup> As I will argue below, by focusing on effects (e.g., identifying with the oppressed), Lawrence has made several important errors. First, he has identified with the life situation of minorities and women, thus giving it the power to determine their worth and who they can be.<sup>179</sup> Second, he’s still assuming that others can and do victimize minorities and women. Third, he has overlooked their power to co-create experiences and realities. In effect, this perspective ignores the degree to which core beliefs co-create the very suffering and pain about which minorities and women complain and against which they struggle.<sup>180</sup> In effect, the “victim’s perspective” reinforces that minorities and women are not subjects but objects.

Yet, objects cannot believe, talk, walk, think, feel, or co-create. Ordinary people, real subjects, do.<sup>181</sup> How do they thus *become* objects? They choose to focus on what they don’t have and on what whites think about them. Of course, it’d be foolish to ignore the unconsciousness of the master, mistress, overseer, KKK, or racist whites. During Jim Crow, an elderly black man didn’t tip his hat in a manner timely enough to suit a bunch of white men. Feeling disrespected, they beset the old man and, joined by others, they beat, kicked, punched, and stomped him to near death. Then they hanged him and his dog. “The coroner’s inquest decided

<sup>176</sup> HICKS & HICKS, *THE LAW OF ATTRACTIONS*, *supra* note 7, at 156 (“*Technically, all of your creative power is in this moment. But you are projecting it not only into this moment, but also into the future that exists for you. And so, the more you are willing to stop and identify what you want in this segment, then the greater, clearer, and more magnificent your future path will be. And each of your moments will be better and better and better, also.*”).

<sup>177</sup> Lawrence, *supra* note 4, at 2265.

<sup>178</sup> *Id.* at 2264.

<sup>179</sup> See, e.g., *Interview with Lavinia Bell* (1861), *reprinted in RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA* 119 (Juan F. Perea et al. eds., 2d ed. 2007) (1977) (this female slave refused to accept her life situation, and despite brutal punishment that attended every failed escape attempt, she eventually escaped to Canada where she lived as a free person).

<sup>180</sup> Cf. GOSWAMI ET AL., *supra* note 21, at 8 (“The sad thing . . . is that if ordinary people really knew that consciousness and not matter is the link that connects us with each other and the world, then their views about war and peace, environmental pollution, social justice, religious values, and all other human endeavors would change radically.”).

<sup>181</sup> See Lawrence, *supra* note 4, at 2266–67 (“It is in and through language that man constitutes himself as *subject*, because language alone establishes the concept of ego in reality, in *its* reality.”) (quoting LINDA HUTCHEON, *A POETICS OF POSTMODERNISM: HISTORY, THEORY, FICTION* 168 (1988)).

[he] had come to his death at the hands of parties unknown to the jury.”<sup>182</sup> If police, officials, civilians, or criminals could take a black or Latino life with virtual impunity, then they had to be vigilant, which was an adaptive strategy. Yet, if this strategy produces an interior monologue, through which minorities and women tell themselves that they are worthless, then they engage in self-fulfilling, co-created prophecies. “I had bumped into the color line and knew that so far as white people were concerned, I was just another nigger.”<sup>183</sup> As Lawrence aptly argues, “the language we use to describe ourselves is both evidence of how we see ourselves and part of the means whereby our self-image is shaped.”<sup>184</sup> In this way, he confesses that minorities and women have always been subjects, for they’ve actually participated in co-creating and maintaining good and not-good images of themselves. “When we use language to refer to ourselves, we do more than offer another possible description of the world around us. We define ourselves and our relationship to that world.”<sup>185</sup> Having used this power to do the annihilating work of others,<sup>186</sup> ordinary people confess that they are unconscious. So long as they stay unaware of how they use their core beliefs to co-create spiritually withering oppressive experiences,<sup>187</sup> they can’t use the Word to empower themselves.<sup>188</sup>

Let’s consider the protest around the Jena Six case. Lawrence would argue that Jena, Louisiana is still locked in an historical period in which whites constructed blacks as objects. As evidence, he’d note that Ms.

<sup>182</sup> LITWACK, *supra* note 18, at 308.

<sup>183</sup> *Id.* at 16 (quoting Albon Holsey, remarking on growing up black in early-twentieth century America). Litwack describes another powerful setting in which minorities would reinforce themselves as objects:

While hiding to avoid white threatening to lynch his uncle, James Yates heard his mother’s whispered and anguished prayers, “Oh my Lord, save us!” The next day, he asked her, “Mama, you say the Lord loves everybody. Why does he let white folks treat us Blacks like this?” Not satisfied with her response, he persisted, “Mama, why didn’t the Lord create some Black angels? In all the Sunday School books and the bible all you see are white folks.” This time, his mother’s response quieted him. “Boy,” she replied, “stop questioning the Lord’s will.” That ended the session. “Whenever Mama came out with ‘boy!’ I knew to stop whatever I was doing or saying.”

*Id.* at 17–18.

<sup>184</sup> Lawrence, *supra* note 4, at 2265.

<sup>185</sup> *Id.*

<sup>186</sup> See CLARENCE PAGE, *SHOWING MY COLOR* 111–12 (1996) (describing how blacks use naming language that is more devastating than what the Ku Klux Klan could have done); Lawrence, *supra* note 4, at 2267 (“For too long African Americans had heard themselves called ‘niggers,’ ‘jigs,’ ‘dinges,’ ‘blackbirds,’ ‘crows,’ and ‘spooks.’”).

<sup>187</sup> Cf. A COURSE IN MIRACLES, *supra* note 7, at 25 (“You must change your mind, not your behavior, and this is a matter of willingness. You do not need guidance except at the mind level. Correction belongs only at the level where change is possible. Change does not mean anything at the symptom level, where it cannot work.”).

<sup>188</sup> *But see* Lawrence, *supra* note 4, at 2267 (“Thus, language is important because its use signifies, is symbolic of, the speaker’s capacity for creativity; and it is the capacity for creativity that makes us human.”).

Bailey, an object, or people like her, was unable to influence the narrative on the nooses' symbolic violence and hatred.<sup>189</sup> Referring to the sheriffs, police, and superintendent, Bailey stated that they thought that "one [i.e., nooses] had nothing to do with the other [i.e., racism and symbolic violence]."<sup>190</sup> Rather, Ms. Murphy, a subject, and others like her concluded that the nooses were foolish pranks and devoid of racist meaning. Given the school board's initial response, they too adopted the Murphy doctrine. *The Jena Times*, having blamed the black parents for inciting unrest, clearly had adopted the same doctrine. Furthermore, Walters had arguably embraced her doctrine when he issued a statement linking the cafeteria fight with the burning of the academic wing of the high school. Lastly, Walter's threat to the black students attempted to wash away their legitimate claim to subjectivity and righteous indignation, for the only governing doctrine was Ms. Murphy's. In short, Lawrence would conclude that the Murphy doctrine reveals the degree to which Jena Six was bathed in a "dehumanizing ideology that determined one's very being by presence . . . [and] one's absence from history as proof of one's lack of consciousness."<sup>191</sup> Therefore, in Lawrence's eyes, blacks in Jena would not be linguistically positioned subjects.

Yet, to some degree, Lawrence would argue that by speaking, by writing, and by protesting, ordinary people within and surrounding the Jena Six case were "plac[ing] themselves in the active position of the 'I.'"<sup>192</sup> They were also subverting any doctrine that rejected them as beings of consciousness. As such, the Jena Six protest was "autobiographical."<sup>193</sup> They were like Frederick Douglass breaking "the silence of all blacks and, by becoming the representative for his brothers and sisters, mak[ing] them all subjects."<sup>194</sup> After all, still imprisoned due to overzealous prosecutors who ignored exculpatory evidence or who overcharged cases, blacks could not speak publicly for themselves, save through the legal process of motions for new trials and appeals. Accordingly, protest personalities like Jesse Jackson, Al Sharpton, Martin Luther King III, Salt-n-Pepa, New Orleans Mayor Ray Nagin, and others<sup>195</sup> could name themselves as not as black terrors, niggers, thugs, or gangstas, but as creative human beings.<sup>196</sup>

Yet, the Word as linguistically positioned subjects doesn't truly yield

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<sup>189</sup> See, e.g., SHERRILYN A. IFILL, *ON THE COURTHOUSE LAWN* (2007). See also Thomas-Lester, *supra* note 122.

<sup>190</sup> Democracy Now!, *The Case of the Jena Six*, [http://www.democracynow.org/2007/7/10/the\\_case\\_of\\_the\\_jena\\_six](http://www.democracynow.org/2007/7/10/the_case_of_the_jena_six) (last visited Apr. 12, 2008).

<sup>191</sup> Lawrence, *supra* note 4, at 2266.

<sup>192</sup> *Id.*

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> *Jena Six*, WIKIPEDIA.ORG, [http://en.wikipedia.org/wiki/Jena\\_Six](http://en.wikipedia.org/wiki/Jena_Six) (last visited Apr. 11, 2008).

<sup>196</sup> Lawrence, *supra* note 4, at 2266–67.

empowered human beings. Lawrence analyzes a passage from Ralph Ellison's *Invisible Man*,<sup>197</sup> in which the narrator beats bloody a white man who'd bumped "into him in the darkness and call[ed] him an insulting name."<sup>198</sup> Unfortunately Lawrence's analysis further reveals the limit of the Word by showing us that the real goal of the linguistically positioned subject is to convert blacks into subjects and to "make all others object."<sup>199</sup> For example, Ellison's narrator was prepared to slit his white victim's throat. Then he realized that the bloodied, defiant white man may not have seen him at all. Before this realization, he'd lashed out, for he'd faulted whites for his invisibility. It's an invisibility he felt deep within his mind. Born whole and holy, he'd not considered that he co-created the stripping away of his subjectivity. Despite this realization, the narrator remained existentially unconscious, allowing this satori-like moment to go a wasting, and so he didn't hear his more egoless words—" [T]he man had not *seen* me, actually."<sup>200</sup> At that moment, he'd reinscribed himself as an object, confessing silently that his core beliefs were also causative culprits. Having perhaps no awareness of this moment, he reveals that he can't hear himself say: "To them, I'm just a nigger!" Having perhaps said this invective so often, he had habituated to it.<sup>201</sup> Hence, while dominant doctrine and ideology had objectified minorities and women, their dehumanizing seeds were sown in the ego-centered mind of Ellison's narrator and blacks like him. In the end, he'd wrongly believed that his experience of invisibility was completely separated from his disempowering core beliefs.<sup>202</sup>

Were these core beliefs present at the Jena Six protest? Through their speeches, the protestors attempted to rewrite the case through their language, consciousness, and subjectivity. They had a choice: the past or the present or future? The past was racism and prosecutorial overcharging, all of which still needed to be redressed. Despite the broad social inequities, the present requires them to talk openly about how, out of ignorance, fear, guilt, shame, or anger, black and white stakeholders co-created the Jena Six case. Not understanding that these stakeholders were co-creating their experiences and realities, the future would be a mental projection, in which next week would not differ from today. And so Ms.

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<sup>197</sup> See *id.* at 2268–70 (quoting RALPH ELLISON, *INVISIBLE MAN* (1952)).

<sup>198</sup> *Id.* at 2268.

<sup>199</sup> *Id.* at 2269.

<sup>200</sup> *Id.*

<sup>201</sup> Cf. ORNSTEIN, *supra* note 20, at 27–31 (habituation means that the "orienting reaction" to new input is lessened over time, so that a person does not respond psychologically to the same stimuli).

<sup>202</sup> See A COURSE IN MIRACLES, *supra* note 7, at 25 ("You may believe that you are responsible for what you do, but not for what you think. The truth is that you are responsible for what you think, because it is only at this level that you can exercise choice. What you do comes from what you think. You cannot separate yourself from the truth by 'giving' autonomy to behavior.").

Bailey feared that life sentences were de jure slavery in another guise. Ms. Murphy feared black criminals who would beat, hurt, or kill misunderstood whites. Mr. Walters feared blacks who used legitimate tools to dethrone whites. Unfortunately, they focused only on the past (and thus on the future) by declaring that America and its judicial system are racist.<sup>203</sup> Some “black residents sa[id] that race has always been an issue in Jena, which is 85 percent white, and that the charges against the Jena Six are no exception.”<sup>204</sup> They cited statistics: “Black Americans, a mere 13 percent of the population, constitute half of this country’s prisoners. A tenth of all black men between ages 20 and 35 are in jail or prison; blacks are incarcerated at over eight times the white rate.”<sup>205</sup> They charged that enforcement officials target crimes that blacks are apt to commit, including drug-related activity.<sup>206</sup> They focused on Walter’s overzealous prosecution.<sup>207</sup> They retold stories of falsely accused blacks who have been convicted and are serving time.<sup>208</sup> In this autobiographical wailing, they reconstituted blacks not as responsible subjects but as besieged victims—or beleaguered objects. Accordingly, while using the Word, these protestors filtered their speeches and narratives through ego-centered minds—not coming to grips with the present in which teenage high school students had made poor choices, but reacting to the past, and thus projecting into the future, by focusing exclusively on white racism and institutionalized slavery. In short, these practitioners of the Word restricted their biographical claims of subjectivity by focusing on disempowering racialized effects, thus revealing the limited efficacy of Lawrence’s meditative model.

### 3. *The Word as Struggle*

The Word as struggle means that minorities and women are resisting unwanted personal experiences and social realities.<sup>209</sup> They don’t want

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<sup>203</sup> See Orlando Patterson, *Jena, O.J. and the Jailing of Black America*, N.Y. TIMES, Sept. 30, 2007, at 13, available at Lexis, News Library, NYT File (“[T]he resulting protest march tempts us to the view, expressed by several of the marchers, that not much has changed in traditional American racial relations.”).

<sup>204</sup> Democracy Now!, *supra* note 190.

<sup>205</sup> Patterson, *supra* note 203.

<sup>206</sup> *Id.*

<sup>207</sup> See generally ANGELA DAVIS, *ARBITRARY JUSTICE: THE POWER OF THE AMERICAN PROSECUTOR* (2007) (exploring prosecutorial power and the potential of abuse in the American system).

<sup>208</sup> See generally Keith Richburg, *N.J. Approves Abolition of Death Penalty; Corzine to Sign*, WASH. POST, Dec. 14, 2007, at A03, available at Lexis, News Library, WPOST File (highlighting the use of DNA evidence to free convicted murderers on death row).

<sup>209</sup> See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 54 (“It is not possible to push things that you do not want away from you, because in your pushing against them you are actually activating the vibration of them and therefore attracting them. . . . When you shout ‘No!’ at those things you do not want, you are actually inviting those unwanted things into your experience.”).

dehumanizing experiences like maiming, eye gouging, teeth pulled with pliers, beatings, burnings at the stake, castrations, or hangings.<sup>210</sup> Likewise, women don't invite men to beat, rape, or kill them just because they decide to end a cohabitation or marriage.<sup>211</sup> Of course, they'd resist. Who wouldn't? After all, no sane person would ever knowingly attract these kinds of experiences and realities into her daily life. Yet, how does Lawrence know? He must impliedly know something about the absolute cause of racism, sexism, and oppression because he never addresses whether all human beings, including minorities and women, are powerful reality co-creators. Without understanding existential causation, the Word as struggle cannot focus only on effects like racism and oppression and simultaneously, or eventually, empower minorities and women. Rather, it must focus on cause *and* effect,<sup>212</sup> and in so doing, ordinary people would learn that by struggling against their personal experiences and social realities, they're firstly resisting effects of their thinking, they're secondly forgetting that they're powerful reality co-creators, and they're lastly anchoring the core beliefs that co-created them in the first place.<sup>213</sup>

Hence, the Word as struggle implies a fundamental misunderstanding of the tension between dominant and parallel texts. In truth, ordinary people have been subjects, thus having authorial power over parallel text. However, according to historiographies, minorities and women have struggled to produce text, to stand as subjects, and to deploy their stories.<sup>214</sup> Central to their claims of humanity and struggles for freedom, the Word gives progressive legal scholars a way of giving textual authority to these historically silenced voices. Yet, as Lawrence aptly noted: "I see these [Morrison] characters engaged in a parallel text, a text that constitutes another community in which those who are objectified by the

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<sup>210</sup> Thomas-Lester, *supra* note. 122

<sup>211</sup> See, e.g., JACK HOLLAND, MISOGYNY: THE WORLD'S OLDEST PREJUDICE (2006).

<sup>212</sup> Cf. A COURSE IN MIRACLES, *supra* note 7, at 27 ("You may still complain about fear [or racism or suffering], but you nevertheless persist in making yourself fearful [or racist or suffer]. I have already indicated that you cannot ask me to release your from fear [or suffering]. I know it does not exist, but you do not. If I intervened between you and your *thoughts* and *their results*, I would be tampering with a basic law of cause and effect; the most fundamental law there is.") (emphasis added).

<sup>213</sup> HICKS & HICKS, THE LAW OF ATTRACTION, *supra* note 7, at 54 ("If you are resisting anything, you are focused upon it, pushing against it, and activating the vibration of it— and therefore attracting it. And so, it would not be a good idea to do that with anything that you do not want."). Hence, it is clear why Mahatma Gandhi and Reverend Martin Luther King, Jr., engaged in passive, civil disobedience and nonviolent protests. Violence begets violence, yet the first form of violence is violent thoughts. See A COURSE IN MIRACLES, *supra* note 7, at ("You must change your mind, not your behavior. . . . The correction of fear is your responsibility. . . . You are much too tolerant of mind wandering, and are passively condoning your mind's miscreations."). Eventually, whites, especially violent, weapon-toting agents of the State, suffered shame because, at the very least, they saw their fear-based thoughts projected into the world and against unarmed, nonviolent protestors.

<sup>214</sup> Lawrence, *supra* note 4, at 2290.

dominant society become subjects.”<sup>215</sup> Originating in African traditions, these orally based texts are “scholarship/art,” and they are the basis for shared experiences of racism, sexism, and oppression.<sup>216</sup> Whether oral or written, text can only be produced by people if they are subjects. In this way, Lawrence impliedly confesses that minorities and women have always been subjects.<sup>217</sup>

As such, Ms. Bailey’s parallel text is equal to Ms. Murphy’s doctrine in the Jena Six case because, from it, other minorities can appreciate their humanity and decide not to simply permit Reed Walters to lock up their children and throw the key away. To this degree, through the oral text, minorities and women have been using their voices to struggle and to convey their core beliefs, the very mechanism through which we all co-create our experiences and realities. Accordingly, when minorities and women encountered dominant narratives, their oral texts were perforce not displaced. Rather, they would be supplemented only to the extent that minorities and women had not already internalized self-annihilating thoughts, beliefs, and feelings. This internalization implies that minorities and women have been co-creating by default, especially when they replay self-defeating thoughts in their heads, even if these thoughts have been shared with them by people who profess to love and care for them. It also implies that oral *and* dominant texts could contain self-denying messages, and if so, then progressive legal scholars and attorneys must learn how minorities and women are implicated in their oppressive experiences.<sup>218</sup> If not, then they’ll consign themselves to struggle against effects like oppression without understanding that they’re reaping what they’ve sown.<sup>219</sup> For example, Patricia Williams’s Benetton moment<sup>220</sup> was existential feedback telling her that she needed to co-create differently.<sup>221</sup>

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<sup>215</sup> *Id.*

<sup>216</sup> *Id.* at 2278.

<sup>217</sup> See LITWACK, *supra* note 18, at xi. Consider the powerful parallel, oral text that Langston Hughes set out in the opening scene in *Invisible Man*. On his deathbed, the grandfather says: “Son, after I’m gone I want you to keep up the good fight. I never told you, but our life is a war and I have been a traitor all my born days, a spy in the enemy’s country ever since I give up my gun back in the Reconstruction. Live with your head in the lion’s mouth. I want you to overcome ‘em with yeses, undermine ‘em with grins, agree ‘em to death and destruction, let ‘em swoller you till they vomit or bust wide open.” *Id.* Through this oral text, Hughes declares that the grandfather was always a subject.

<sup>218</sup> *Cf.* Yamamoto, *supra* note 81, at 876 (requiring progressive legal scholars, political lawyers, and community activists to evaluate and to reflect upon why prior approaches to racism and to the absent of racial justice have failed.).

<sup>219</sup> See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 137 (“You attract through your thoughts. You get what you think about, whether you want it or not.”).

<sup>220</sup> See PATRICIA WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR* 44–45 (1991).

<sup>221</sup> See ROBERTS, *supra* note 6, at 9–10 (“Your experience in the world of physical matter flows outward from the center of your inner psyche. Then you perceive this experience. Exterior events,

As a learning opportunity, the Benetton experience is neither bad nor good, except if we say so.<sup>222</sup> Of course, none of what I've argued excuses racism or sexism. The problem here is that, based on this fundamental misunderstanding about dominant and parallel texts, the Word as struggle never acknowledges that minorities and women can, and do, co-create against themselves.

In the Jena Six case, the Word as struggle makes this misunderstanding concrete. Consider Ms. Caseptla Bailey's words, all of which attend to struggle. She states:

The first thing was devastation. You know, I was down when it first happened. You know, I was very devastated. I was hurt, upset, angry, mad, frustrated. You know, I had so many emotions, crying a lot of nights, you know, trying to figure out where can I go from here. You know, a lot of times when you're backed into a corner or you're backed into a wall, naturally you're going to come out fighting. You know, you're not going to—you're either going to fall and die, or you're going to come out fighting.

...

They want to take these kids—my son, as well as all these other children—lock them up, throw away the key. You know, that's a tradition for black males. So they want to keep that tradition going, because they want to keep institutionalized slavery alive and well.<sup>223</sup>

Ms. Bailey struggles against neo-institutionalized slavery.<sup>224</sup> For her,

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circumstances and conditions are meant as a kind of living feedback. Altering the state of the psyche automatically alters the physical circumstances.”).

<sup>222</sup> See TOLLE, *supra* note 5, at 147 (“Do you truly know what is positive and what is negative? Do you have the total picture? There have been many people for whom limitation, failure, loss, illness, or pain in whatever form turned out to be their greatest teacher. It taught them to let go of false self-images and superficial ego-dictated goals and desires. It gave them depth, humility, and compassion. It made them more *real*.”); *id.* (“Whenever anything negative happens to you, there is a deep lesson concealed within it, although you may not see it at the time.”).

<sup>223</sup> Democracy Now!, *supra* note 190.

<sup>224</sup> See, e.g., Editorial, *Stinting on Mercy*, WASH. POST, Jan. 2, 2008, at A12, available at Lexis, News Library, WPOST File (President Bush's pardon of a person sentenced to twenty years for a minor crack trafficking offense; he'd served all but fourteen months). *But see Crack Cocaine Crimes to Draw Less Time*, CHICAGO TRIBUNE, Nov. 2, 2007, at C9, available at Lexis, News Library, CHTRIB File (“Crack cocaine offenders will receive shorter prison sentences under more lenient federal sentencing guidelines that went into effect on Thursday”); HICKS & HICKS, THE LAW OF ATTRACTION, *supra* note 7, at 83–84 (“Have you noticed that those who speak most of illness have more and more illness? Have you noticed that those who speak of poverty live more of it, while those who speak of prosperity have more of it? As you understand your thoughts are magnetic and your attention to them causes them to grow in power until eventually the subject of the thought becomes the subject of your experience, your

racism within the criminal justice system robs communities of black males, and she'd argue that only racist officials would suggest that the Jena Six are criminal minds that threaten the community at large, even if they actually did attack a white teenage male. Ms. Bailey's words then are not simply parallel text, something to be dismissed or ill considered. Rather, like other women, her words are *prima* text—the text before the written text. Oral text is Yin, the veritable mother that gives birth to the written word and in our personal experiences.<sup>225</sup> Written text is Yang, ignorantly seeking to nudge out of the way the very source that created it. To this extent, her oral text participated in co-creating the Jena Six event because, given the power of Ms. Bailey's voice, she more than likely shared it with her son, Robert Bailey, and others.<sup>226</sup> Under the co-creation principle, Ms. Bailey gets what she desires and fears, including the experience of having her son robbed from her by larger, nearly uncontrollable external, objective forces.<sup>227</sup> This point especially applies if Robert attended to this fear. He says: "I ain't got no criminal record, nothing. . . . The DA, he ain't after finding the truth. That's what a DA's for, to after find the truth . . . . He's just, you know, trying to put me up in a jail cell, for life."<sup>228</sup>

Thus, while Ms. Bailey fears neo-institutionalized slavery, Robert fears that he'll actually experience a sentence that will make him a virtual slave. Acting as a core belief, these fears co-created this tragic experience.<sup>229</sup> And yet this experience reveals the conceptual and concrete misunderstanding of the Word as struggle, for it is clear that whether Ms. Bailey or Robert has internalized dominant or oral text,<sup>230</sup> either of them has the power to co-create experiences and realities on which minorities

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willingness to pay attention to the way you feel will help you more deliberately choose the direction of your thoughts.").

<sup>225</sup> See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 84 ("Enough attention to these subjects and enough conversations about things you have experienced will bring more of the same kinds of experiences to you. . . . [Y]ou will eventually find yourself absolutely surrounded by thoughts, words, and experiences that are in the direction of that which you do *not* want.").

<sup>226</sup> Cf. Thomas-Lester, *supra* note 122 ("Janet Langhart Cohen, wife of former senator and defense secretary William S. Cohen . . . grew up hearing stories about the lynching of her third cousin, Jimmy Gillenwaters, near Bowling Green, Ky., in 1912. In her book *From Rage to Reason: My Life in Two Americas* and in a recent interview, she recalled how her grandmother and uncles repeated the story for years, recounting every detail.").

<sup>227</sup> See ROBERTS, *supra* note 6, at 24 ("Your entire physical environment is the materialization of your beliefs. Your sense of joy, sorrow, health or illness—all of these are also caused by your beliefs. If you believe that a given situation should make you unhappy, then it will, and the unhappiness will then reinforce the condition.").

<sup>228</sup> Democracy Now!, *supra* note 190, at 5.

<sup>229</sup> Cf. *id.* at 5 (quoting Mychal Bell's father as stating that after Mychal gets through this experience, he'll tell him to remember what it is like to be black in America).

<sup>230</sup> See Lawrence, *supra* note 4, at 2275 ("When we have struggled with that part of our duality that identifies with the oppressor, we possess an empathy that helps us explain how our oppression is integrally linked to that of our oppressors.").

and women can rationalize struggle.<sup>231</sup> Accordingly, the Word as struggle should require minorities and women to purge themselves of dominant and oral text, for all of them are more than likely founded in egoistic concepts.<sup>232</sup>

#### IV. THE WORD AS NARRATIVE AND THE PROBLEM OF HUMAN UNCONSCIOUSNESS

*All evils are the effect of unconsciousness.*  
Eckhart Tolle<sup>233</sup>

##### A. Introduction: Word as Narrative—The Gift of Storytelling.

The Word as narrative critically differs from legal storytelling. Under legal storytelling, litigation or contract formation, for example, excludes details as irrelevant. It disregards emotions. It abstracts the existential human being into a “reasonable man.” It likes a fixed evidentiary record or stable meaning within a contract’s four corners. While looking at the past, legal storytelling freezes time and silences future storytellers<sup>234</sup> when, for example, it refuses to let an eyewitness recant testimony. Unlike legal storytelling, the Word as narrative embraces context,<sup>235</sup> emotions, specificity, knowing,<sup>236</sup> and subjectivity. It knows later storytellers will alter the original, oral text. By decentering textual authority, the Word as narrative does not silence those who did not speak first.<sup>237</sup> Rather, it imagines new possibilities or the return of forgotten ones.<sup>238</sup> Like the teacher and the taught, the speaker and listeners are interdependent, making everyone indispensable in the telling of the whole story. In this way, the Word as narrative intends to make visible, heard, and real the oppression experiences of ordinary people,<sup>239</sup> which purportedly gives them a degree of empowerment long denied by legal storytelling.

Although the Word as narrative differs from legal storytelling,

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<sup>231</sup> Cf. HICKS & HICKS, THE LAW OF ATTRACTION, *supra* note 7, at 91 (“The way you *feel* is caused by the thoughts that you are thinking. So the way you *feel* about yourself is your strong and powerful magnetic *point of attraction*. . . . When you *feel* lonely, you cannot attract companionship—it defies the *Law*.”).

<sup>232</sup> See Lawrence, *supra* note 4, at 2274 (“[Derrick Bell] practices the Word by candidly sharing his own struggle against the internalization of dominant ideology.”).

<sup>233</sup> TOLLE, *supra* note 5, at 168.

<sup>234</sup> Lawrence, *supra* note 4, at 2278–79.

<sup>235</sup> *Id.* at 2281–83.

<sup>236</sup> *Id.* at 2283–85.

<sup>237</sup> See *id.* at 2279 (“One story invites another as people’s words weave the tapestry of human connection.”) (quoting Sara Lawrence Lightfoot, Balm in Gilead: On Love, Justice and the Word, Speech Presented to the Equal Rights Advocates Annual Luncheon (June 15, 1988)).

<sup>238</sup> *Id.* at 2285–91.

<sup>239</sup> *Id.* at 2278–79.

ordinary people cannot use this practice for empowerment, so long as they remain unconscious. Fundamentally, this unconsciousness is not perforce supplanted by Du Bois's dual consciousness.<sup>240</sup> Under Du Bois's precept of the second-sighted, awakened consciousness, minorities and women have internalized the oppressor's dominant ideology and their parallel, oral text. The oppressor's ideology has caricatured them, making them grotesqueries. Theoretically, their own experiences differ from such gross distortions. By embracing this dual consciousness, minorities and women can know the oppressor's experiences, to see them within themselves, and "to heal and reform others who participate in our oppression."<sup>241</sup>

While empathy is a means for seeking to empower minorities and women, it is also the way to understand why dual consciousness does not awaken them from unconsciousness. First, this empathy does not take place at the level of Being by which human beings recognize God's presence, thus making them one and the same. Rather, Du Bois's and Lawrence's empathy never gets beyond the egoistic mind and its miscreating categories. With this consciousness, minorities and women can know that the presence of the oppressor's befouling experiences within them distort their existential authenticity (i.e., their parallel, oral text). They'll know the dual experience of belonging and not belonging, giving them an enhanced "ability to imagine experience[s] other than [their] own."<sup>242</sup> Second, as even Lawrence acknowledged, the observed is co-created by the observer. Third, the gift of second sight simply permits the oppressed to identify with the oppressor, which makes her one with him.

Accordingly, Du Bois's dual consciousness does not enable minorities and women to use empathy to help explain how their oppression is inexorably tied to their oppressor, especially through thoughts, feelings, words, actions, and beliefs. It should help them to see what they've co-created within themselves, if its purpose is to free minorities and women from experiences that they've mostly co-created by default. At this juncture, they should feel negative emotions, all of which tell them that they're using their thoughts to co-create against their happiness and freedom.<sup>243</sup> For example, when Ms. Bailey thought about what was happening to her son, she stated that she was "hurt, upset, angry, mad,

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<sup>240</sup> *Id.* at 2270–71, 2274–77.

<sup>241</sup> *Id.* at 2275.

<sup>242</sup> *Id.*

<sup>243</sup> See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 119 ("[T]he *Law of Attraction* just *is*, whether you understand that it is or not. It is always responding to you and giving you accurate results, which always match what you are thinking about. But a deliberate application of the *Art of Allowing* requires that you be consciously aware of the way you feel so that you choose the direction of your thoughts. An understanding of this *Law* is what determines whether you create *intentionally* or by *default*.").

frustrated.”<sup>244</sup> By now understanding how the *Law of Attraction* affects us all, people like Ms. Bailey will continue to draw more of what makes her angry, mad, and frustrated into her life. She’ll blame racism and oppression as if they are objectively and structurally targeting her. She’d be wrong. Therefore, minorities and women are in fact the very source of their own oppression because, due to their continued unconsciousness, they remained deeply ensconced in egoistic categories (e.g., oppressor and oppressed).

### B. *The Problem of Human Unconsciousness*

Based on Eckhart Tolle’s *The Power of Now*, unconsciousness takes two forms: ordinary and deep.<sup>245</sup> “Ordinary unconsciousness” means that we are “identified with [our] thought processes and emotions, [our] reactions, desires, and aversions.”<sup>246</sup> “Deep unconsciousness” means that we suffer more acute, obvious pain and unhappiness when life goes wrong, when our egos are threatened, or when we’re faced with real or imagined loss, threats, or challenges.<sup>247</sup> Ordinary consciousness differs only in degree from deep unconsciousness.<sup>248</sup>

In an unconscious state, ordinary people face at least three problems—fear, reactive minds, and the pain body—all of which are related to the problem of the ego. The egos of ordinary people run their lives. It’s extremely weak, insecure, and vulnerable.<sup>249</sup> Even if ordinary people appear outwardly confident, everything and everyone threaten it.<sup>250</sup> Hence, the ego copes constantly with fear, which is not unrelated to present circumstances or actual danger. In its many forms, this fear is “unease, worry, anxiety, nervousness, tension, dread, phobia, and so on.”<sup>251</sup> For example, didn’t Ms. Bailey fear that the criminal justice system was a

<sup>244</sup> Democracy Now!, *supra* note 190.

<sup>245</sup> TOLLE, *supra* note 5, at 60.

<sup>246</sup> *Id.* at 60–61.

<sup>247</sup> *Id.* at 61.

<sup>248</sup> *Id.*

<sup>249</sup> *Id.* at 35. See MAY, *supra* note 32, at 104–05 (“[I]t is necessary to emphasize that *the very fact that the ego is conceived of as weak, passive, and derived is itself an evidence and a symptom of the loss of the sense of being in our day, a symptom of the repression of the ontological concern.*”)

<sup>250</sup> TOLLE, *supra* note 5, at 35. See generally Susan Fiske, *Where the Fear Lives: Understanding the Relationship Between Brain and Behavior*, PSYCHOL. TODAY, Oct. 17, 2002, available at <http://psychologytoday.com/articles/pto-20021017-000001.html> (Elizabeth Phelps, Ph.D., argues that whites can learn to fear or hate blacks or other experiences even before they are aware that they’re having an amygdala response, indicating that fear can be learned and unlearned), *African-Americans and Caucasians Have Emotional Brain Activity When Seeing African-Americans*, MED. NEWS TODAY, May 10, 2005, available at <http://www.medicalnewstoday.com/articles/24085.php> (Matthew D. Lieberman, Assistant Professor of Psychology at UCLA stated: “Even people who believe to their core that they do not have prejudices may still have negative associations that are not conscious.”).

<sup>251</sup> TOLLE, *supra* note 5, at 35.

proxy for the return of institutionalized slavery, one that robbed communities of their black men? Regardless, when we closely identify with our ego, we develop reactive minds. Second, we'll judge ourselves and others, separating ourselves from other human beings. We'll live with a besieged mentality, believing that others are a danger or threat to us.<sup>252</sup> Third, we'll live in the past or project into the future, suggesting that slavery forms the basis for all justice claims or that racism will always be a permanent feature of American life. Fourth, we'll derive our sense of self from external things like race and gender, requiring us to never let others forget that we are "black women." Fifth, we'll resist *what is*, believing that we'll identify with our pain body, which resonates "with its own kind of energy, anything that creates further pain in whatever form: anger, destructiveness, hatred, grief, emotional drama, violence, and even illness."<sup>253</sup> By holding onto our fear, reactive minds, and pain body, especially if we rigidly defending our deformed, egoistic selves, none of us grows.<sup>254</sup> None of us is freed from the past, and we keep on co-creating negative experiences right now.

In this way, when whites, minorities, and women have allowed their pain bodies to take them over, they inflict pain, violence, suffering, and death on themselves and others.<sup>255</sup> The pain body—the dark, shadowy side of our ego—exists because we've identified unconsciously with our thought patterns, and if the gift of second sight and of empathy doesn't eradicate the problem of unconsciousness, the Word as narrative will enable minorities and women to engage in storytelling that moves us emotionally and psychologically. To do so, they'll rely on egoistic concepts,<sup>256</sup> and we'll still be unconscious, which will be especially evident by the degree to which we harbor violent images in our narratives and in our thoughts of other human beings.

Accordingly, the power of second sight and of empathy does not transform the Word as narrative into a successful anti-subordination tool. This power impliedly promises an awakening for minorities and women, granting them a near mystical insight so that they can "see" how the oppressor's message operates in their lives, and so that they can "feel" a

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<sup>252</sup> See *id.* at 166 ("The world as it appears to us now is, as I said, largely a reflection of the egoic mind. Fear being an unavoidable consequence of egoic delusion, it is a world dominated by fear.").

<sup>253</sup> *Id.* at 30.

<sup>254</sup> Cf. MAY, *supra* note 32, at 28 ("But if the neurotic is so afraid of loss of his own center, conflicted though it be, that he refuses to go out but holds back in rigidity and lives in narrowed reactions and shrunken world space, his growth and development is blocked.").

<sup>255</sup> *Id.* at 31.

<sup>256</sup> Lawrence, *supra* note 4, at 2258–59 (citing Margaret Morgan Lawrence, *Family Trauma and Preventive Interaction*, in *THE CHILD IN HIS FAMILY: PREVENTIVE CHILD PSYCHIATRY ON AN AGE OF TRANSITION* 473 (E. James Anthony & Colette Chiland eds., 1980)); see also MARGARET MORGAN LAWRENCE, *YOUNG INNER CITY FAMILIES: DEVELOPMENT OF EGO STRENGTH UNDER STRESS* (1975).

panoply of emotions that will inform their storytelling gifts. Together, this “seeing” and “feeling” will enable them to empower the oppressed and themselves and to weaken the law’s power to mute and marginalize them. According to the Word, these narratives—analytical, lyrical, poetic, and imaginative—will stir us. Reaching us emotionally, few of us can deny the impact these authors have had on our lives, *viz.*, Maya Angelou, James Baldwin, Derrick Bell, Kimberlé Crenshaw, Richard Delgado, W.E.B. Du Bois, Martin Luther King, Jr., Charles R. Lawrence, Margaret Montoya, Toni Morrison, Jennifer Russell, Margaret Walker, Patricia Williams, etc.<sup>257</sup> In this way, the gift of second sight and of empathy was clearly upon them, and through this gift, these inspired writers have shared with us powerful narratives that revealed the depth of their racialized epiphanies.

Moved by this gift, racialized epiphanies do not perforce awaken us. For argument’s sake, let’s assume that these practitioners of the Word were awakened by this power. Were they inspired to see their lives, experiences, and realities beyond egoistic categories like race and gender? No, they were not. Hence, within the Buddhist or spiritualist sense, they did not have an *awakening*. An awakening would have helped them realize that “what [they] thought [they] were was nothing more than a dream, and [they’d] perceive the reality outside of the dream.”<sup>258</sup> Ultimately, they would have realized “what’s dreaming the dream of [them].”<sup>259</sup> Unfortunately, the initial awakening doesn’t last.<sup>260</sup> Ideally, it’d become a life-long practice to stay awake. According to Adyashanti, “[a]fter that initial awakening, there is almost always the work of cleaning up, of the ‘me’ surrendering itself. I usually say that’s the beginning of the second phase of spirituality: what I think of as ‘life after awakening.’”<sup>261</sup> In my studies, I’ve never read writings by practitioners of the Word who have a Buddhist, Taoist, or New Age philosophical approach to empowerment that goes beyond egoistic categories like race. I’ve mostly read writings by authors, especially Race Crits, who strongly identify with race, ethnicity, and gender and who sincerely believe that white racism practically disempowers minorities and women.<sup>262</sup> Even if the poor don’t

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<sup>257</sup> For a most recent example of powerful writings that attempt to empower minorities and women by revealing how liberal legalism affect their lives, see generally RACE LAW STORIES (Rachel F. Moran & Devon W. Carbado eds., 2008).

<sup>258</sup> See Luc Saunders & Sy Safransky, *Who Hears This Sound?: Adyashanti On Waking Up From The Dream of “Me”*, SUN MAG., Dec. 2007, available at [http://www.thesunmagazine.org/issues/384/who\\_hears\\_this\\_sound](http://www.thesunmagazine.org/issues/384/who_hears_this_sound).

<sup>259</sup> *Id.*

<sup>260</sup> See *id.* (“Simply because you’ve had an awakening, however, does not mean you stay awake.”).

<sup>261</sup> *Id.*

<sup>262</sup> See, e.g., Cheryl I. Harris, *Whitewashing Race: Scapegoating Culture*, 94 CAL. L. REV. 907 (2006) (reviewing MICHAEL K. BROWN ET AL., *WHITEWASHING RACE: THE MYTH OF A COLOR-BLIND SOCIETY* (2003)).

read these writings, Race Critics are confessing that they think, feel, and believe through racialized constructs. These constructs form the framework for their core beliefs, none of which has found a way to empower ordinary people on the street. Regardless, given Adyashanti's thoughts on awakening and enlightenment, it's safe to say that the gift of second sight and of empathy is not an awakening but a racialized epiphany. Accordingly, except perhaps for Martin Luther King, Jr., racialized epiphanies won't enable progressive legal scholars to cope with the illusory nature of race and gender,<sup>263</sup> and if so, the real problem is not racism and sexism but the core beliefs that orbit such egoistic concepts. In the end, when minorities and women rely on the gift and its epiphanies to engage in storytelling, they'll pen narratives that will keep the oppressed deeply trapped in egoistic categories like race and gender.<sup>264</sup>

Hence, gifted with dual consciousness, minorities and women experience neither awakening nor enlightenment. With the gift, minorities and women will presume that they can construct narratives that will raise the oppressed above their life situation sufficiently long enough so that they can know the source of their dilemma and develop right action. Yet, we know otherwise. Since before the end of slavery, the gifted have sermonized ordinary people, moving them to great emotional heights. Despite the *potentia*,<sup>265</sup> this "individual's 'pattern of potentialities,'"<sup>266</sup> which most parents teach their children to repress,<sup>267</sup> and which is the greatest source of our lasting, deepest empowerment, the gifted among us cannot help minorities and women understand how the co-creation principles, i.e., *Law of Attraction*, can truly empower us because the gifted, unawakened and unenlightened, are deeply trapped within purely racialized constructs. Even successful middle-class minorities and women don't engage in right action. They embrace dysfunctional reaction, and despite their material success, they may still find themselves beset by white

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<sup>263</sup> Yet, even an awakening, perhaps enlightened figure like the great Martin Luther King, Jr., protested for peace and justice within egoistic categories: "We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed." See, e.g., King, *supra* note 141, at 292. Yet, in his last sermon before he was assassinated, Martin Luther King, Jr., spoke in more enlightened terms. See Martin Luther King, Jr., *I See the Promised Land* (Apr. 3, 1968), reprinted in *A TESTAMENT OF HOPE*, *supra* note 141, at 279.

<sup>264</sup> See, e.g., e. christi cunningham, *Exit Strategy for the Race Paradigm*, 50 HOW. L.J. 755 (2007); Mario L. Barnes, *Black Women's Stories and the Criminal Law: Restating the Power of Narrative*, 39 U.C. DAVIS L. REV. 941 (2006).

<sup>265</sup> See MAY, *supra* note 32, at 79 (*Potentia*, within the Nietzschean sense, refers to his concept of the "will to power," and it "implies the self-realization of the individual in the fullest sense. It requires the courageous living out of the individual's potentialities in his own particular existence.").

<sup>266</sup> *Id.* at 17.

<sup>267</sup> See *id.* at 104 ("[T]he sense of being [in a child] may be especially strong, only later to diminish as the child learns to give himself over to conformist tendencies, to experience his existence as a reflection of other's evaluation of him, to lose some of his originality and primary sense of being.").

racism.<sup>268</sup> Given the magnetic nature of their core beliefs, especially emotionally powerful thoughts, the middle class continues to suffer from these co-created experiences because, in part, the unenlightened gifted practitioners of the Word are truly unable to educate them for real, lasting empowerment. Blacks in Katrina and Jena, Louisiana suffer for this miseducation. Without an awakening experience, these gifted scholars cannot teach what they deeply distrust and see as irrelevant to racial justice. Whether their storytelling is poetic, lyrical, analytical, dramatic, and imaginative, the unenlightened gifted practitioners of the Word can't take the oppressed to an existential place where egoistic categories will not matter. Whether well-educated or street savvy, the unenlightened gifted are still too unconscious, believing that empowerment means getting the oppressed to focus externally on whites racism.

As such, I completely understand why Lawrence would posit that practitioners of the Word must value and validate the way that minorities and women “see, think, and feel” and the “the way [they’ve] experience[d] life.”<sup>269</sup> Does this proposition mean that progressive legal scholars have to accept Ms. Bailey’s racialized experiences before and after the hanging of the nooses? While narratives are undoubtedly powerful ways of connecting with others at very legal and nonlegal levels,<sup>270</sup> shouldn’t we use their stories to unearth all of the ways that they reveal limiting core beliefs on which minorities and women rely to co-create negative experiences and realities in their lives? Having grown up poor in New York City, I heard many stories by unconscious minorities and women, most of them self-serving excuse making. They blamed public schools for their underachievement, even though others were excelling around them. They faulted the police for their local, harassing experiences, even though others around them faced no such civic violations. They pointed their fingers at neighborhood rivalries and white racism to justify their anger, even though others enjoyed peace and harmony in their lives. They lauded personal success and excellence, even though they reminded me at every chance that I was a “dumb nigger.” Had I listened to them, I’d not be where I am today.

Hence, aren’t counterproductive stories legitimate too?<sup>271</sup> If so, then the Word can best empower minorities and women if its practitioners

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<sup>268</sup> See, e.g., JOE R. FEAGIN & MELVIN P. SIKES, *LIVING WITH RACISM: THE BLACK MIDDLE-CLASS EXPERIENCE* (1994); ELLIS COSE, *THE RAGE OF A PRIVILEGED CLASS: WHY ARE MIDDLE-CLASS BLACKS ANGRY? WHY SHOULD AMERICA CARE?* (1995).

<sup>269</sup> Lawrence, *supra* note 4, at 2278.

<sup>270</sup> See *id.* at 2279 (“[S]tories express depth and complexity. They allow for ambiguity, multiple interpretation, and refracted images. The reader or listener can be convinced *and* moved, by intellect *and* emotion. And stories are not exclusive property. One story invites another as people’s words weave the tapestry of human connection.”) (alteration in original) (quoting Lightfoot, *supra* note 237).

<sup>271</sup> *Id.* at 2278.

validate and then lay siege to the slave's mind of ordinary people.<sup>272</sup> Equally important, in the Jena Six case, these practitioners must examine the entire constellation black and white stakeholders, including Ms. Bailey, Ms. Murphy, Mr. Reed Walters, the principal, the superintendent, etc. Together, these stakeholders were deeply involved in their pain bodies, making it more likely that they'd resist and react to each other, a powerful formula for co-creating racial hostilities.<sup>273</sup> For example, Ms. Bailey had too much memory not just about lynching but also about what the three students must have intended by hanging the nooses on the "white tree,"<sup>274</sup> thus enabling her to go beyond the information given.<sup>275</sup> Ms. Murphy had too little memory, suggesting that she was repressing very powerful emotions like anger, pain, guilt, and shame, and further revealing a kind of collective amnesia.<sup>276</sup> Regardless, after the nooses were found on the tree, black stakeholders were afraid and angry, and white stakeholders were ashamed and angry.<sup>277</sup> And out of their anger, they all deployed stories

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<sup>272</sup> See ROBERTS, *supra* note 6, at 52 ("It will help you, in fact, if you think of your own beliefs as furniture that can be rearranged, changed, renewed, completely discarded or replaced. Your ideas are yours. They should not control you. It is up to you to accept those that you choose to accept.").

<sup>273</sup> See, e.g., Frank Eltman, *Jury Convicts Black Man in Shooting Death of White Teen: Long Island Case Involved Questions of Race, Recklessness*, WASH. POST, Dec. 24, 2007, at A05, available at Lexis, News Library, WPOST File (Identified with incident in which the Ku Klux Klan killed his grandfather more than thirty years before he was born, John White, 54, brandished a pistol when a group of white teenagers came to his house, allegedly to confront his son after they'd asked him to leave a party. White shot and killed Daniel Cicciaro, 17, when he apparently lunged at him. Convicted of second-degree manslaughter, he claimed the shooting was still accidental.).

<sup>274</sup> See MAY, *supra* note 32, at 136 ("[A] human being can bring the past of thousands of years ago into the present as data to guide his present actions. And he can likewise project himself in conscious imagination into the future not only for a quarter of an hour but for weeks and years and decades."); Katrina Browne, *A Third Way*, available at [http://www.pbs.org/pov/pov2008/tracesofthetrade/special\\_sermon.html](http://www.pbs.org/pov/pov2008/tracesofthetrade/special_sermon.html) (last visited June 25, 2008) ("The problem is that all this activity added up. It added up to great harm to enslaved Africans. And their descendants know that and remember that, because the stories get passed down, and people connect the dots from the past to the present.").

<sup>275</sup> ORNSTEIN, *supra* note 20, at 35.

<sup>276</sup> See, e.g., *Playboy Interview: Martin Luther King, Jr.*, reprinted in A TESTAMENT OF HOPE, *supra* note 141, at 340, 357–58 ("[S]egregation, as even the segregationists know in their hearts, is morally wrong and sinful. If it weren't, the white South would not be haunted as it is by a deep sense of guilt for what it has done to the Negro—guilt for patronizing him, degrading him, brutalizing him, depersonalizing him, thingifying him; guilt for lying to itself. This is the source of the schizophrenia that the South will suffer until it goes through its crisis of conscience."); Browne, *supra* note 274 ("[I]n white families, the stories don't get passed down, either because of the shame at the major role played, like in my family, or because of the dissociation that comes from playing a minor role, not connecting the dots when you buy sugar, or coffee, or go to work at the local mill.").

<sup>277</sup> See TOLLE, *supra* note 5, at 32 ("For example, if anger is the predominant energy vibration of the pain-body and you think angry thoughts, dwelling on what someone did to you or what you are going to do to him or her, then you have become unconscious, and the pain-body has become 'you.' Where there is anger, there is always pain underneath.").

that confirmed what they already believed,<sup>278</sup> and if so, the Word as narrative cannot end the “severely distorted . . . lenses of fear, bias, and misunderstanding”<sup>279</sup> held by whites simply by validating the stories of “our brothers and sisters.”<sup>280</sup>

### C. *Overcoming the Limits of the Word: The Power of Surrender*

The Word cannot help to resolve racial conflicts like the Jena Six if its practitioners presume *ex ante* that white racism and dominant discourse have locked minorities and women into existential holding places from which they cannot escape. Nothing that I’ve argued presumes that racism was not present in the Jena Six case. The first, central question is: Did the racism as a core belief flow only from whites? If we end our inquiry simply at the level of *white* racism, then none of us learns anything about eradicating the problem of human unconsciousness. Human unconsciousness is the incessant, fear-based thinking of the unobserved mind, with which we very closely identify.<sup>281</sup> Driven by their unobserved minds, legal scholars will simply scapegoat whites, leaving them comfortable yet again to declare that minorities, especially blacks, were simply innocent pawns in a racist criminal justice system. The second, often overlooked question is: Were blacks and whites co-equal partners in a racialized setting, through which all stakeholders could acknowledge openly and heal deeply repressed emotions like fear, guilt, shame, and anger that found vent in the Jena Six case? If so, then the Jena Six case is simple and complex all at once. It’s simple because at a prophylactic level, we can direct a number of players to anger management. It’s complex because at a co-creative level, we must engage in long-term acknowledgement, healing, and surrender so that these stakeholders can awaken, become enlightened, and practice right mind<sup>282</sup> and right action.

By limiting ourselves to the first question only, the Word will fail to empower ordinary people for several reasons. It encourages them to speak (or write or think) into existence experiences, people, and events. They then attribute these experiences to external, objective forces over which they have no apparent control. They resist these experiences and their forces. They also struggle against such forces, believing that through

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<sup>278</sup> See ROBERTS, *supra* note 6, at 48 (“The truth is then that you form your reality directly. You react consciously and unconsciously to your beliefs. You collect from the physical universe, and the interior one, data that seems to correlate with your beliefs.”).

<sup>279</sup> Lawrence, *supra* note 4, at 2279.

<sup>280</sup> *Id.* at 2278.

<sup>281</sup> ECKHART TOLLE, *THE NEW EARTH: AWAKENING TO YOUR LIFE’S PURPOSE* 30 (2005).

<sup>282</sup> See ROBERTS, *supra* note 6, at 55 (“In order to dislodge unsuitable beliefs and establish new ones, you must learn to use your imagination to move concepts in and out of your mind. The proper use of imagination can then propel ideas in the directions you desire.”).

resistance they'll break through and find their empowerment on the other side. They won't. They'll find themselves, ever beleaguered for having struggled against and resisted themselves. In order to avoid such experiences, ordinary people would have to focus not on the "what-is" of slavery or Jim Crow but on the "what-is" of right here and right now where slavery or Jim Crow no longer exists. In short, they resist because, like Ms. Bailey, they feel threatened by emotionally powerful beliefs that social practices like neo-slavery will return.<sup>283</sup>

By resisting these experiences, they stay where we were. We confirm what we believe, even if what we believe keeps us suffering. By resisting, we stay black, brown, red, white, or yellow. We stay embedded in a category that has literally no inherent content; it is filled with emptiness. For those, however, who are deeply afraid of change, and who prefer to avoid disquieting questions that lead to uncomfortable existential and spiritual journeys, resistance says: "I'm right" and "you're dead."<sup>284</sup> It also "maintains our sense of who we are by saying 'no' to everything that doesn't support our identity."<sup>285</sup> And so, that to which we say "no" is an extension of our inner thoughts, feelings, words, actions, and beliefs. In the end, resistance is a neurotic, self-defeating effort<sup>286</sup> of a Sisyphian order.<sup>287</sup>

By limiting ourselves to the first questions, and by saying "no," we in effect struggle against ourselves. During this struggle, we fuel our resistance with a fertile imagination that could see new worlds, new

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<sup>283</sup> CHERI HUBER, *WHEN YOU'RE FALLING, DIVE: ACCEPTANCE, FREEDOM AND POSSIBILITY* 7 (2003).

<sup>284</sup> See WOLE SOYINKA, *THE CLIMATE OF FEAR: THE QUEST FOR DIGNITY IN A DEHUMANIZED WORLD* 128 (2005) ("To do otherwise is to condone the doctrine that moves so arrogantly from 'I am right; you are wrong' to its fatal manifestation as 'I am right; you are dead.'").

<sup>285</sup> HUBER, *supra* note 283, at 6–7.

<sup>286</sup> Cf. ARTHUR JANOV, *THE NEW PRIMAL SCREAM: PRIMAL THERAPY TWENTY YEARS ON* xxv (1993) ("We slide into neurosis without a whimper, and develop symptoms which seem mysterious. Nothing dramatic seems to have happened, but suddenly we are sick. We have been stricken down by our own reality. Our pain has finally become palpable, our self-deception fatal.").

<sup>287</sup> See generally SISYPHUS, available at <http://en.wikipedia.org/wiki/Sisyphus> (last visited June 25, 2008). Accordingly to the myth, Sisyphus, a promoter of navigation and commerce, was greedy and a liar. A murderer, he killed travelers and guests simply because he wanted to be dominant. He was the craftiest of men. He seduced his niece. He took his brother's throne. He betrayed Zeus's secrets. As retribution, Zeus ordered Hades to chain him in Tartarus. Tricking Thanatos, he escaped. Captured and returned, he escaped again and refused orders to return to Tartarus. Finally, Ares freed Thanatos and sent Sisyphus to the underworld, where he was cursed to roll a huge boulder up a hill, only to watch it roll down again, and to repeat this throughout eternity. *Id.* See also *The Myth of Sisyphus*, in ALBERT CAMUS, *THE MYTH OF SISYPHUS AND OTHER ESSAYS* 119, 120 (Justin O'Brien trans., 1991) ("His scorn of the gods, his hatred of death, and his passion for life won him that unspeakable penalty in which the whole being is exerted toward accomplishing nothing."). I'd say that Sisyphus symbolizes the inability to use the ways of the ego to gain and to know empowerment, and for having tried, Sisyphus had to push and bear the weight of the boulder, which symbolizes the burden of the bloated ego, up the heights of the mountain. It's a self-defeating experience that last an eternity.

possibilities. Without critically inspecting our thoughts, principally because we're so focused on so-called external forces like *white* racism, we believe that we're making the world better. The Word as narrative says as much. Unfortunately, our imaginations don't get us that far. We've placed our rather fertile imaginations in the service of egoistic concepts like race and gender. We have only to see from our results to know that resistance and struggle through egoistic concepts simply get us a far greater variety of racism. But it's still racism. What's missing in Lawrence's awareness of the power of imagination is not only the role played by the egoistic mind but also the co-creation principle.<sup>288</sup> Consider Lawrence's view on the role of imagination.

Imagination is the key to our deepest insights and sympathies. It allows us to create, "in the mind or in an outward form . . . images of things once known but absent, of things never seen in their entirety, of things actually nonexistent, of things created new from diverse old elements, or of things perfected or idealized."<sup>289</sup>

In this way, Lawrence unknowingly discusses an element of the co-creation principle, for we generally imagine what we already believe. And what we believe, we validate by attracting confirmatory experiences into our lives. Yet, Lawrence sets aside the implications of his own words. He points us to key figures like W.E.B. Du Bois, Arnold Rampersad, Toni Morrison and Audre Lorde, who used their imaginations to empower themselves and perhaps others, even if they did so within the egoistic constructs.<sup>290</sup> By so doing, they converted themselves from "objects into subjects."<sup>291</sup> They formed a parallel text. They knew themselves as "creators and interpreters of text."<sup>292</sup> They used narrative as "science and art."<sup>293</sup> And sadly they still remained unawakened and unenlightened, key figures who thus could not, and did not, teach minorities and women that the way to true empowerment is to surrender to "what-is."

Yet, by accessing the power of their imaginations, they were also allowing their *Inner Being* to work through them. How else would they have known that they could be subject? Were their imaginations granted

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<sup>288</sup> See ROBERTS, *supra* note 6, at 55 ("Imagination also plays an important part in your subjective life, as it gives mobility to your beliefs. It is one of the motivating agencies that helps transform your beliefs into physical experience. It is vital therefore that you understand the interrelationship between ideas and imagination.").

<sup>289</sup> Lawrence, *supra* note 4, at 2285.

<sup>290</sup> *Id.* at 2285–86, 2288–91.

<sup>291</sup> *Id.* at 2289.

<sup>292</sup> *Id.* at 2291.

<sup>293</sup> *Id.* at 2286 (quoting Arnold Rampersad, *The Art and Imagination of W.E.B. Du Bois* 5 (1976) (unpublished manuscript)).

*ex cathedra*? Throughout history, we—ordinary people—have always had these gifts, choosing to use them when and how we pleased.

Hence, when the Word as narrative invites us to use these gifts to struggle against oppression, can it be said that minorities and women struggle solely against external limitations? No. In truth, they struggle against their internalized limitations as Derrick Bell confesses.<sup>294</sup> Unfortunately, Lawrence deploys the Word as narrative to construct an artifice through which minorities and women can create, co-construct, and imagine things into the external world and which violate the “integrity of intelligence.”<sup>295</sup> This violation occurs because Lawrence suggests that none of what they co-create contributes one iota to their personal experiences and social realities of suffering that we call racism. Consistent with CRT’s politics, minorities and women are simply innocent victims, and within Lawrence’s meditation, they are near idiot savants who cannot explain the oppressive experiences against which they struggle as anything but white racism. For all of the complexity of Lawrence’s meditative model, especially his analysis of autobiographical narratives and the imagination, the very tools of empowered subjects, *white* racism still impales minorities and women as if they were mere lambs to the slaughter.

To avoid this rather dissatisfying outcome, we must evaluate the classic tension that exists between powerful reality co-creators and victims. Lawrence’s Word as narrative never evaluates this tension. This evaluation can help minorities and women learn how they miscreate “bad” things. By “bad,” I mean personal experiences and social realities of suffering. This evaluation is not blaming the victim. Under the co-creation principle, victims don’t exist. By positing a meditative model that avoids this evaluation, minorities and women remain deeply mired in their ego-centered experiences of “fear, greed, control, defending or feeding the false sense of self,”<sup>296</sup> all of which flow from the power of their emotional thoughts. These thoughts are the engines of the bad things in our lives.<sup>298</sup> If we use our minds, anchored in egoistic concepts like fear, greed, or control, and if such concepts are driven by thoughts and imaginations, we will attract them into our lives. We cannot avoid the implications of this question by declaring that slavery killed the purity of our minds and compassion of our hearts, so that we have simply internalized the teachings of the master. It would be intellectually dishonest to rely on this

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<sup>294</sup> Cf. JANOV, *supra* note 286, at 9 (“A child needs to say, ‘Hold me mommy,’ without hesitation and without feeling she will be rebuffed by a mother who cannot tolerate closeness. The child never knows mother has a problem with affection (having been deprived herself) and imagines something is wrong with herself. Then feelings of low self-esteem, and feelings of being unlovable set in.”).

<sup>295</sup> Lawrence, *supra* note 4, at 2286 (quoting Rampersad, *supra* note 293, at 5).

<sup>296</sup> TOLLE, *supra* note 5, at 148–49.

<sup>298</sup> *Id.* at 150.

declaration. Weren't slavers aided by Africans? Weren't Africans killing, raiding, and raping each other before white slavers arrived on the continent?<sup>299</sup> Enslaving and killing were not brought to Africa by whites, and these offenses to our natural being were not first practiced in the Americas by them either. By acknowledging that minorities and women are powerful reality co-creators, too, we can evaluate victimization claims, which ought to promote not validation but compassion, and by understanding the *Law of Attraction*, we can, even in complex social settings, reject these claims and help ordinary people appreciate their power to co-create deliberately or by default. By helping ordinary people to re-claim the power to co-create deliberately, they need not write autobiographical missives that reinforce the faulty proposition that external events, people, or things have power over them. And through day-to-day practice, they can undertake perhaps the life-long study of their egoistic concepts. At that juncture, we, all of us, will reject any theoretical framework that is premised, however impliedly, on embedded notions of victimization claims.

Before we accept that our personal empowerment lies in disciplining our thoughts, we'll use egoistic categories like racial identity to "empower" us, even if this use keeps us fearful, angry, and unconscious. Consider the run-up to the nomination for the Democratic Party. An astute politician, who relied on either/or divisive politics, Senator Hillary Clinton, aided by former President William Jefferson Clinton, wanted to empower herself and arguably us if she became the presumptive nominee for President. To do so, she tapped into our unconsciousness by engaging in identity politics. She also privileged gender over race, which means choosing between two equally destructive categories. In addition to drawing Asians, blacks, Latinas/os, naturalized citizens, and whites to her cause, Senator Clinton pandered to poor, undereducated voters, thus trading on the psychological cache that it's better to be poor white trash than a *nigger*.<sup>300</sup> Although Lawrence's Word purports to be an anti-subordination, self-empowering meditation, he too trades on egoistic categories. His categories are oppressor, oppressed, master, slave,

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<sup>299</sup> Cf. Debbi Wilgoren & Colum Lynch, *Mugabe's Challenger Seeks Refuge at Dutch Embassy: World Leaders Say Fair Vote Impossible After Violence*, WASH. POST (Foreign Service), June 23, 2008, available at [http://www.washingtonpost.com/wp-dyn/content/article/2008/06/23/AR2008062300484\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2008/06/23/AR2008062300484_pf.html) ("The runoff, between Mugabe and Tsvangirai[,] has been scheduled for Friday. But Tsvangirai withdrew from the race Sunday, citing violence, killings and intimidation against his supporters. 'We cannot stand there and watch people being killed for the sake of power,' Tsvangirai said.").

<sup>300</sup> See Crenshaw, *supra* note 28, at 1381 ("It also creates the desire for identification with privileged elites. By focusing on a distinct, subordinate 'other,' whites include themselves in the dominant circle—an arena in which most hold no real power, but only their privileged racial identity. Consider the case of a dirt-poor, southern white, shown participating in a Ku Klux Klan rally in the movie *Resurgence*, who declared: 'Every morning, I wake up and thank God I'm white.'").

minorities, and women. Yet, he's not cynical. Unlike Clinton, Lawrence is sincere. Like Clinton, but for far different reasons, he nevertheless relies on ego-centered categories. Given his unconsciousness, he identifies with the oppressed. As such, he then easily posits that the Word's practitioners must identify with the ego's miscreations like race, poverty, and oppression. Lawrence thus cannot see that his meditative model cannot empower us if it's built on egoistic categories, and even if he could, he couldn't use the Word to resolve it.<sup>301</sup>

Accordingly, Lawrence's Word is fatally flawed at its most fundamental level because Lawrence cannot appreciate what identification with race and oppression ultimately teaches us. Mired in egoistic thinking, racial identity teaches us to maintain a subject-object relationship with others. As the *subject* in that relationship, we'll use the ego to see ourselves either as better than, worse than, or different from other human beings.<sup>302</sup> Through such identities, we reinforce the ego's need for separation.<sup>303</sup> Rather than weakening the racialized ego, Lawrence's identification requirement strengthens it in those who practice the Word. Through this identification, the practitioner and the oppressed now have "self-preservation drives."<sup>304</sup> And they satisfy this "thirst for existence" by becoming blacker than black. They'll use race and racial identity to garner more "security, absolutes, certainties, the known and knowable."<sup>305</sup> In so doing, they'll strengthen the apparent opposite poles.<sup>306</sup> For example, whites get whiter, too!<sup>307</sup> Furthermore, by identifying with oppression, practitioner and the oppressed focus on its features, *viz.*, racial or economic. However, given Lawrence's meditation, oppression happens to

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<sup>301</sup> See TOLLE, *supra* note 5, at 150 ("Some of the ego's strategies are extremely clever, yet they never truly solve any of its problems, simply because the ego itself is the problem.").

<sup>302</sup> See MAY, *supra* note 32, at 104 ("The ego is the *subject* in the subject-object relationship. . . . [And implicit in our sense of being is the] 'capacity to set oneself against the external world if necessary.'").

<sup>303</sup> See JANOV, *supra* note 286, at xxiv (Using primal therapy, "[o]ur approach is not to strengthen defences or to build an 'ego'. Rather, therapy involves penetrating the defences. Too often we confuse a strong defence system with being normal. On the contrary, a strong defence system means a potent neurosis—well sequestered, but there, nevertheless.").

<sup>304</sup> David Hartman, *Deintegrate, Disintegrate, Unintegrate: A Buddhist Perspective in Heart-Centered Therapies*, J. OF HEART CENTERED THERAPIES, Autumn 2003, at 4, available at [http://findarticles.com/p/articles/mi\\_m0FGV/is\\_2\\_6/ai\\_109083052](http://findarticles.com/p/articles/mi_m0FGV/is_2_6/ai_109083052).

<sup>305</sup> *Id.*

<sup>306</sup> See TOLLE, *supra* note 5, at 150.

<sup>307</sup> Cf. Crenshaw, *supra* note 28, 1386 ("Sowell suggests that the growing popularity of white hate groups is evidence of the instability wrought by improvident civil rights policies. To Sowell, the growth of anti-Black sentiment is an understandable reaction to a vision that has threatened to undermine democratic institutions, delegitimize the court system, and demoralize the American people."). See also *Ho v. San Francisco Unified Sch. Dist.*, 965 F. Supp. 1316 (N.D. Cal. 1997) (Chinese-American plaintiffs challenged a judicial consent decree that capped minority enrollment, which promoted African-American and Hispanics students over Chinese-American students even though the latter group had higher test scores than the former groups).

ordinary people. Their thoughts, beliefs, actions, words, and feelings have nothing to do with economic privations. Hence, identification stands on victimization and on the idea that whites and white structural oppression are powerful reality co-creators in ways that poor black or Latina women are not. By casting them not as powerful reality co-creators but as victims of larger, social forces, Lawrence strengthens their self-preservation drive, making it more likely that the racialized poor will come to depend even more on egoistic categories like race, poverty, or oppression. At the very least, they'll defend their right to be black or to rationalize their poverty.<sup>308</sup> By strengthening our ego patterns, Lawrence never realizes that the very method for validating and for giving voice to the racialized poor also keeps them trapped in a never-ending cycle of self-created racism and poverty.

On this point, Tolle writes: “[B]asic ego patterns are designed to combat its own deep-seated fear and sense of lack. They are resistance, control, power, greed, defense, attack. Some of the ego’s strategies are extremely clever, yet they never truly solve any of its problems, simply because the ego itself is the problem.”<sup>309</sup> Hence, this fatal tension between co-created things and victimization cannot be resolved. Given this tension, the Word as narrative cannot solve the problems of racism, sexism, or oppression because this meditative model does not require minorities and women to become present, to live in the now, so that they can begin to abandon their ego-centered minds.

The Word’s fatal flaw can be resolved if minorities and women practice surrender (or acceptance). Accordingly to Tolle, surrender is not passive. It’s active awareness. It means not opposing but yielding to life’s situation, to the flow of life. It means that minorities and women would “accept the present moment unconditionally and without reservation.”<sup>310</sup> Acceptance means that they’d not identify with the ego-centered minds. With no reservations, it’d mean that minorities and women would not resist. “Resistance *is* the mind.”<sup>311</sup> Nothing about surrender means that minorities must say that America has not ill-treated them or that women must pretend that patriarchy never happened or is currently not happening. Under surrender, minorities and women can take positive, narrow, non-reactive steps to attend to the moment.<sup>312</sup> Tolle writes: “Such action I call positive action. It is far more effective than negative action, which arises

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<sup>308</sup> Cf. JANOV, *supra* note 286, at xxiv (“We see defences as abnormal, a sign of pathology. . . . [T]hey are most important when early pain is so shattering as to threaten the integrity of the system. They are a bulwark against the real self, however. And we are striving to make people real, not according to our prejudices, but according to the reality residing inside each and every one of us.”).

<sup>309</sup> TOLLE, *supra* note 5, at 150.

<sup>310</sup> *Id.* at 171.

<sup>311</sup> *Id.* at 172.

<sup>312</sup> See generally HICKS & HICKS, THE LAW OF ATTRACTION, *supra* note 7, at 155–92 (discussing co-creating segment by segment, so that we remain in the now, in the present).

out of anger, despair, or frustration. Until you achieve the desired result, you continue to practice surrender by refraining from labeling the Now.”<sup>313</sup> Although America has a history of racism and sexism, minorities and women who find themselves facing a life situation can accept “what *is*,” make their “point[s] clearly and firmly,” proffer “no reactive force,” seek no “defense or attack.”<sup>314</sup> By surrender, they can see what immediately needs to be done<sup>315</sup> because they are not burdened by “inner factors such as fear, guilt, or inertia.”<sup>316</sup> Without ever shouting racist or sexist, without having identified with the history of racism and sexism in this country, minorities and women can engage in right mind and right action, all of which personally empowers them by co-creating with compassion and by reconnecting with the “source-energy of Being.”<sup>317</sup>

Unlike Lawrence’s Word, which still has very powerful ego-centered premises, “surrender . . . can . . . bring about positive change.”<sup>318</sup> This approach “break[s] the unconscious resistance pattern that perpetuates that situation.”<sup>319</sup> With this state of consciousness, minorities and women will “cease[] to be controlled by external conditions.”<sup>320</sup> By withdrawing their attention from the external and by looking at their internal state, they will not be manipulated or controlled by others. In the surrendered state, we’d become self-aware during any conflict. We’d focus on our defensiveness. We’d feel the force of our own aggression. Just as we’d have to be mindful of our powerful emotional thoughts under the *Law of Attraction*, we’d observe our attachment to our mental views and positions. We’d note our energy in our stance to be right or to make the other person wrong. We’d drop our reactions. We’d know if we’re miscreating in a situation, driving its conflict. Why? Because we’d know that by the *Law of Attraction*, we can use our thoughts, feelings, actions, words, and beliefs to co-create racist experiences like the Jena Six case or to focus our attention in the now on a positive solution. We can make that choice. In

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<sup>313</sup> TOLLE, *supra* note 5, at 172.

<sup>314</sup> *Id.* at 151; *see also id.* at 177 (“It is perfectly possible to say ‘no’ firmly and clearly to a person or to walk away from a situation and be in a state of complete inner nonresistance at the same time. When you say ‘no’ to a person or a situation, let it come not from reaction but from insight, from a clear realization of what is right or not right for you at that moment. Let it be a nonreactive ‘no,’ a high-quality ‘no,’ a ‘no’ that is free of all negativity and so creates no further suffering.”).

<sup>315</sup> *Id.* at 174.

<sup>316</sup> *Id.* at 175. *See also* ROBERTS, *supra* note 6, at 52 (“The belief in guilt therefore would be a cementing structure that would hold together other similar core beliefs, and add to their strength. You must understand that these are not simply dead ideas, like debris, within your mind. They are psychic matter. In a sense then they are alive. They group themselves like cells, protecting their own validity and identity.”).

<sup>317</sup> TOLLE, *supra* note 5, at 173.

<sup>318</sup> *Id.* at 174.

<sup>319</sup> *Id.* at 173.

<sup>320</sup> *Id.* at 174.

such a situation, we'd be honest with ourselves. In this way, when we're in the midst of a conflict, we'd realize that we have choices. We'd simply surrender, which means at the very least not resisting but accepting the personal experiences and social realities that we attracted through co-creation into our lives.<sup>321</sup>

#### D. *Surrender: A Difficult, Empowering Practice*

Yet, surrender may be very difficult, even if it's a very empowering practice. As Alice O. Howell acknowledges, "Psychologically speaking, it is not easy to surrender one's ego. First, you must develop one, to be aware that you have one. Secondly, you have to be really convinced that there is something within you that is greater than what you ordinarily think you are."<sup>322</sup> Initially, few adults think that a greater wisdom exists within them.<sup>323</sup> Since young adulthood, they've more than likely focused on their external world, on their racial identities, always trying to figure out what others—adults, teachers, and authority figures—want them to know, to believe, and to experience.<sup>324</sup> Along the way, as Rollo May noted, children tend to abandon their special relationship with their *Inner Being* and then adopt ego-based minds to co-create their personal experiences and social realities. Although miserable and disaffected, they'd in effect live through their egos. Racists live in their egos. So do so-called victims. Having thus identified with the ego-centered minds and life situations, we don't surrender easily. On this point, Tolle points out:

The ego believes that in your resistance lies your strength, whereas in truth resistance cuts you off from Being, the only place of true power. Resistance is weakness and fear masquerading as strength. What the ego sees as weakness is your Being in its purity, innocence, and power. What it sees as strength is weakness. So the ego exists in a continuous resistance-mode and play counterfeit roles to cover up your "weakness," which in truth is your power.<sup>325</sup>

As Tolle correctly points out, we believe that we need a very strong

<sup>321</sup> *Id.* at 178–79.

<sup>322</sup> ALICE O. HOWELL, *THE HEAVENS DECLARE: ASTROLOGICAL AGES AND THE EVOLUTION OF CONSCIOUSNESS* 228 (2006).

<sup>323</sup> See HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 57 ("[Y]our *Inner Being* . . . can offer you guiding emotions. All that is required is that you pay attention to the way you feel, and that you let yourself be drawn to those things that feel good or right to you while you let yourself be moved away from those things that do not.").

<sup>324</sup> See *id.* at 71 ("We are amused as we watch the majority spending most of their life seeking a set of rules against which they can measure their life experience, looking outside of self for those who will tell them what is right or wrong.").

<sup>325</sup> TOLLE, *supra* note 5, at 180.

ego. It helps us to survive, to compete, to understand, and to process. Few of us are aware that when we live through the ego, we must also treat literally every human being as a potential enemy. We also must accept a high degree of stress and non-peace, too. Lastly, we're in constant struggle-against mode when we view our experiences and realities as out-there, external, and hostile.

The Jena Six case shows us the difficulty of surrender. First, most of the stakeholders have not embraced their *Inner Being* even if most of them are Bible-toting, church-going folks. Second, most of them have little awareness that they view their experiences or realities through damaging, fear-based egoistic concepts. Third, with such concepts, they have repressed their *potentia*, fleeing from their greatest individual successes so that they can adhere to a kind of rigid racial moralism.<sup>326</sup> Ms. Bailey, Ms. Murphy, and others like Mr. Reed Walter all adhere to a rigid racial moralism, precisely because none of them has thought critically for themselves on race questions, especially when they find themselves opposed to each other. Fourth, most of them, especially Ms. Bailey and Mr. Robert Bell, would view surrender as either failing to resist white racism or not struggling for racial justice. If they failed to resist, they'd perhaps assume that surrender to "what-is" is like saying *que sera, sera*. They'd thus have to accept what whites dole out to them. It's not. If they don't struggle for racial justice, they'd perhaps believe that they'd allow racists to have their way. Yet, how has struggling actually garnered *racial* justice? It hasn't. Given our constitutional safeguards, no group of citizens can be favored or disfavored by the application of federal or state laws, unless the law corrects prior discriminatory treatment in which the government actually participated, is narrowly tailored, and is of limited duration. Ideally apart from classification-based legislation, all citizens have equal standing before the *Law*. In this way, the stakeholders in the Jena Six case, especially minorities, could have practiced surrender, and they still could have focused the nation's attention on the underlying racist implications just as the King-led civil rights marchers practiced *active-nonviolent* civil disobedience and, despite the difficulty of this Gandhian practice, gave the nation horrifically stunning evidence of the brutal suppression tactics that had been used by white racists like Bull Connor. By placing their *Inner Being* at the heart of their efforts to prevent public officials like Mr. Walters from using Louisiana's criminal code discriminatorily against their children, the minority stakeholders could have practiced surrender and exposed the racism that infected Jena,

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<sup>326</sup> Cf. MAY, *supra* note 32, at 102 ("Indeed, *compulsive and rigid moralism arises in given persons precisely as the result of a lack of a sense of being*. Rigid moralism is a compensatory mechanism by which the individual persuades himself to take over the external sanctions because he has no fundamental assurance that his own choices have any sanction of their own.").

Louisiana.

Moreover, the stakeholders may have found surrender a very difficult spiritual practice because they are sincerely committed to ending racial injustice in Jena, Louisiana. Since its inception, the United States has poisoned its great karmic document, *viz.*, the Constitution, by enshrining its text with slavery and by ignoring its ontological commands when the Supreme Court issued inimical decisions like *The Civil Rights Cases*<sup>327</sup> and *Plessy v. Ferguson*.<sup>328</sup> And given Louisiana's violent, treacherous role in resisting the end of slavery, in enacting Black Codes, and for undercutting the free black population,<sup>329</sup> it's quite easy to see why minority stakeholders have taken a near *never-again* vigil to preserve justice and to end neo-forms of "slavery." To this degree, they were engaged in the very kind of antistatist meditation for which Lawrence advocates in *The Word and the River*. Yet, by identifying with their children's plight and by finding within themselves the fear, anger, and self-loathing that, from their perspectives, only dominant legal narrative could have sown within them, they expressed positioned perspectives, they embraced nonneutrality, and they deployed linguistically position stories. They did not heal themselves of their anger, and after the state mollified its position, none of the stakeholders was awakened or enlightened.<sup>330</sup> In this way, Lawrence's meditative model has appeal, thus making surrender practically difficult, even if it permits those who surrender to "what is," and who thus live in the now, to truly empower themselves.

Unfortunately, while they pressured Mr. Walters and the local courts to rein in their aggressive prosecution of the Jena Six, they ultimately did little more than declare, rather effectively, that the Jena Six case arose principally and singularly out of a legacy of *white* racism. Given this legacy, they of course had to resist white racism and to struggle for racial justice. By resisting and struggling, these stakeholders, black and white, were viewing the Jena Six event through egoistic-mind constructs. Whites were thus evil. Blacks were righteously indignant. And vice versa. Hence, in Jena, some citizens felt misunderstood by the nation. Some like Ms. Murphy could see not racism but only the aggressive, perhaps appropriate, enforcement of the laws against interpersonal violence. And some like Mr. Robert Bell declared that he'd remind his son, Mychal, "what it is like to be black in America."<sup>331</sup> In the end, none of the

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<sup>327</sup> 109 U.S. 3 (1883).

<sup>328</sup> 163 U.S. 537 (1896).

<sup>329</sup> See generally BERLIN, *supra* note 135, at 108–32.

<sup>330</sup> See TOLLE, *supra* note 5, at 19 ("Enlightenment means rising above thought, not falling back to a level below thought. . . . [Y]ou still use your thinking mind when needed, but in a much more focused and effective way than before. You use it mostly for practical purposes, but you are free of the involuntary internal dialogue, and there is inner stillness.").

<sup>331</sup> Democracy Now!, *supra* note 190, at 5.

stakeholders learned to see in the Jena Six case that powerful emotional thoughts, *viz.*, core beliefs, were engines through which all of them co-created this experience so that they could choose to become more aligned with their *Inner Being*.

Despite its difficulty, surrender actually works. It takes us out of the past and draws us back from projecting into the future. We're now in the present. In the now, slavery and neo-slavery do not exist. Our future projections don't exist either. In the now, we have simply difficult facts: nooses on a tree, three students who were reprimanded, two fist fights, a soul-searching principal, a diffident school board, security-conscious teachers, six worried parents, and an overzealous prosecutor. Without time, the egoistic mind cannot miscreate by dredging up the past or projecting into the future. As such, in the now, none of these facts necessarily invokes *white* racism. Of course, Ms. Bailey and Ms. Murphy as well as the other stakeholders will have their positioned perspectives. No particular perspective ought to prevail over another. It makes no sense to resist or struggle against these facts. Resistance breeds more resistance because it requires egoistic thinking and separation. It requires making others wrong.<sup>332</sup> Recall that *The Jena Times* accused the black parents of fanning the flames around the noose incident.<sup>333</sup> By accepting "what-is" without telling themselves that "what-is" is inexorably true, the Jena Six stakeholders could have used surrender not only to redress the facts, but also to deal with their egoistic thoughts that transmuted those facts into a national incident.

Surrender, albeit a difficult practice, ends the egoistic mind, the unconsciousness, that Lawrence never addresses except in the mind of the oppressor or in dominant legal narratives. It helps us alleviate fear and suffering and frees us from "all wanting, needing, grasping, and clinging."<sup>334</sup> After the nation turned its attention to Jena, Louisiana, after racial pundits like Al Sharpton performed, and after successful hearing removed the yoke of the life sentence from the defendants' necks, were the stakeholders healthier? Were they openly or unconsciously still faulting everyone but themselves? Were they thus still grasping at the thoughts they'd held before the nooses, the fights, the anger, and the fear? Were the members of the school board defending their decision? If these stakeholders were not aware that they were suffering before the Jena Six case, then they did not practice surrender, and they're likely to co-create another healing opportunity in the future, even if it does not draw as much

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<sup>332</sup> See TOLLE, *supra* note 5, at 123–24 ("The polarities are mutually interdependent. You cannot have one without the other. The positive already contains within itself the as yet unmanifested negative.").

<sup>333</sup> Bean, *supra* note 92, at 2.

<sup>334</sup> TOLLE, *supra* note 5, at 122.

national attention. Why? Because our *Inner Being* seeks to help us grow beyond the egoistic mind.<sup>335</sup> It constantly surfaces through emotional feedback, and so even if the stakeholders did not find healing in the Jena Six case, they like Ms. Bailey who suffered deeply will want relief from the proverbial cross that they're bearing. When they cannot bear the ego's burdens anymore, they'll stop. They'll ask for help. And even if the help is not everlasting and even if the practice of surrender is not self-sustaining because the ego will attempt to reassert itself, we experienced a moment when we've broken our addiction to needing dysfunctional relationships. Race-based relationships are inherently dysfunctional ones, in which everyone needs the other so that they can co-create experiences and realities that confirm that they were right to identify with such powerful thoughts. And so whites like Ms. Murphy will read about race-based events and worry about crime. And so blacks like Ms. Bailey and Mr. Bell will tell themselves and their children that they will suffer racism. They'll expect it, and they'll get it. None of them has considered the road less traveled, in which we practice in the now surrender because, based on the feedback that we've received, we know that by identifying with our egoistic thoughts we'll remain unconscious and only attract more of what we don't want in our lives.

Surrender works because it depends ultimately on the *Law of Attraction*. First, regardless of our race, color, class, sex, gender, or national origins, we must accept that we "are the creator of [our] experience."<sup>336</sup> Second, it is clear that Lawrence's meditative model has limited efficacy, one that usually leaves us exactly where we found ourselves—identified with our thoughts, and co-creating more fear and suffering not only in our lives but also in the lives of others. Third, we really do wish to free ourselves from suffering, and by practicing surrender, we can do so without identifying with the lives that others have co-created for themselves.

Fourth, when we surrender, we must violate Lawrence's maxim of identifying with and validating the experiences, voice, and autobiographies of the oppressed. By violating this maxim, we refuse to give our attention, our thoughts, to the suffering that others have co-created for themselves. We can still enable them to empower themselves, but we don't identify with their life situation and we don't identify them with that situation either.

Lastly, surrender also undermines Lawrence's identification maxim in another way. It challenges the idea that minorities and women embrace the same core beliefs, *viz.*, powerful, emotional thoughts. We don't.

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<sup>335</sup> See generally ALICE MILLER, *THE DRAMA OF THE GIFTED CHILD: THE SEARCH FOR THE TRUE SELF* (3d ed., 1997).

<sup>336</sup> HICKS & HICKS, *THE LAW OF ATTRACTION*, *supra* note 7, at 155.

Likewise, we desire different things. Some of us who are born rich, die poor. Born into poverty, some become materially well off, or well-educated professionals, or wealthy. With surrender, we co-create as we please, thus violating the implied idea that oppressed people share a common bond. Naturally, we must cope with what we attract to us. Thus, under the *Art of Allowing*, we free ourselves from the burden of altering the life situation of another person.<sup>337</sup> We can't. As I've already argued, gifted writers like Maya Angelou and Frederick Douglass cannot remake our lives. Words can inspire us to draw to us new experiences. But words don't teach. Experience does.<sup>338</sup> Yet, we must do the attracting because we do the thinking. Even if we inspire others with our words, we can't think their thoughts, a point that Lawrence doesn't acknowledge. Inspired by our words, they will draw different, appropriate experiences that will confirm their new thinking. In this way, each of us is free to co-create by either drawing on Snoop Dogg or Al Sharpton, or by listening to Senator Barack Obama or Arianna Huffington. Without having to think a certain way, and without having to be bound by a false grouping of identities, we can practice co-creating and surrendering in ways that undermine our unconsciousness because none of us is bound by the same experiences. If my so-called "blackness" is not correlated with the experiences of all blacks, then I must attend to my thoughts, so that I can co-create a life of suffering or non-suffering. It is at this point that I'm an empowered person.

## V. CONCLUSION

Lawrence's *The Word and the River* is one of the most important early writings about the power of storytelling to alter the degree to which legal doctrine will continue to silence, render invisible, and refuse to acknowledge the lived experiences of minorities and women. Yet for all of its potential power to confer the gift of second sight and of empathy on progressive legal scholars specifically and minority and women generally, so that they can use narratives against their oppressors and against befouling messages that they've internalized, the Word fails us all fatally because it can never imagine the oppressed as powerful reality co-creators. Hence, they are victimized, and we can only empower them by eradicating

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<sup>337</sup> See *id.* at 120 (Under the Art of Allowing, "I am that which I am, and I am pleased with it, joyful in it. And you are that which you are, and while it is different perhaps from that which I am, it is also good.").

<sup>338</sup> *Id.* at 124. According to Abraham:

We are teachers, and in all of our experiences of teaching, we have learned this most important fact: *Words do not teach. It is life experience that brings you your knowing.* And so, we encourage you to reflect into your own life experience to remember those things that you have experienced before, and to begin watching, from this point forward, for the absolute correlation between the words that you are reading here in this book and the life experience that you are living.

white racism. The Jena Six case illustrates why white racism was not the only issue that brought this case to the fore. Black and white stakeholders co-created that event. Within the context of the Word, Jena Six is about oppression and racism within the criminal justice system. Within the co-creation context, this case is about cause and effects, which implicate all stakeholders. Unfortunately, the Word does not require us to deconstruct the existentially disabling stories and core beliefs that keep blacks, whites, and others racially opposed. With the Word, we miss two vitally important points. First, the Jena Six case was a healing opportunity, and second, it revealed that when we enter egoistic categories like race and gender, we must totally exhaust their power in our lives by co-creating opportunities for pain and suffering. In this sense, race and gender are the *Way of Cross*, which so burdens minorities, whites, and women that they'll learn eventually to jettison such limited ways of Being so that they can have the awakening and enlightenment that the Word promises but fails to deliver.